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# PENNSYLVANIA BULLETIN

Volume 41

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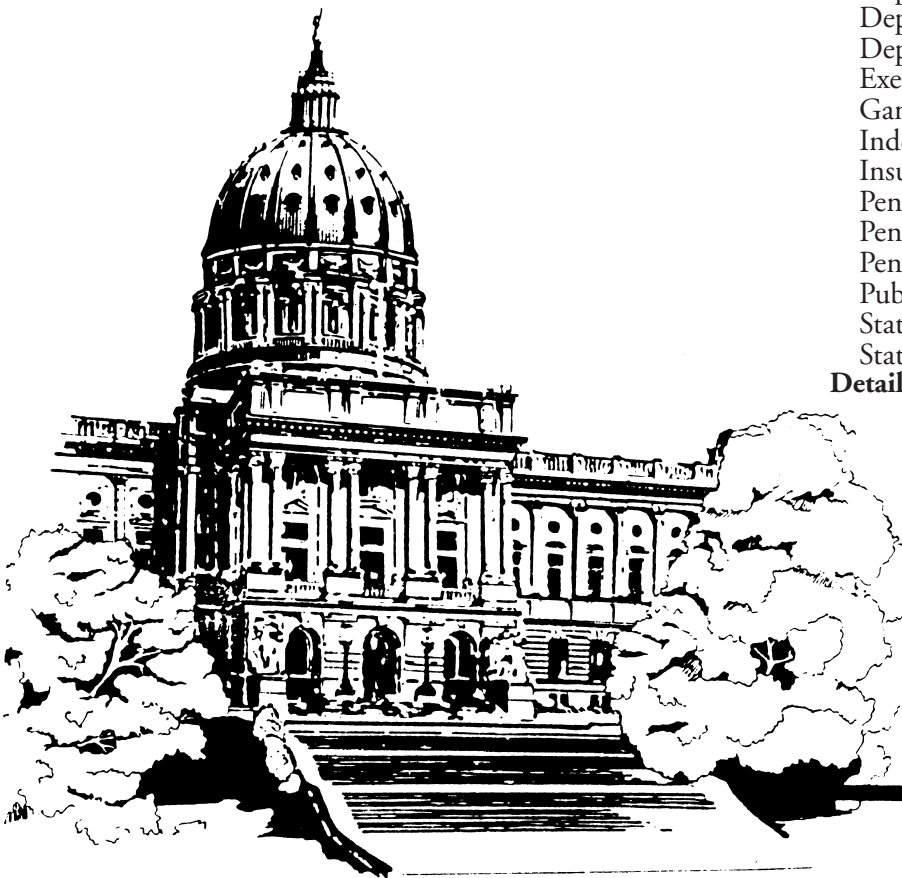
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January—March 2011

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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 437, April 2011**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

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# THE GOVERNOR

## Amendment to Proclamation of January 31, 2011

March 10, 2011

*Whereas*, on January 31, 2011, I declared an emergency declaration due to a winters storm, accompanied by substantial accumulations of snow and ice that impacted the Commonwealth of Pennsylvania with severe weather conditions; and

*Whereas*, the winter storm conditions, which included heavy snowfall and ice, have resulted in road closures, community public safety delays, property damage, and other adverse impacts upon the population of the Commonwealth; and

*Whereas*, these severe winter weather conditions have continued throughout February and March 2011 with additional snowfall thereby further accumulating on the existing snowpack; and

*Whereas*, heavy rain that began on March 9, 2011, may cause localized flooding to occur in certain creeks and streams causing severe damage to roads, streets, bridges, private homes, businesses and pose other adverse life safety impacts upon the general population of the Commonwealth; and

*Whereas*, it is anticipated that these severe storms, consisting of heavy rainfall, exacerbated by melting snow, may cause further extensive flooding on the major river systems of the Commonwealth; and

*Whereas*, investigations by state agencies of recently developing conditions indicate that additional resources of the Commonwealth may be needed to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

*Now Therefore*, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of January 31, 2011, as follows:

1. All state agencies are directed to render additional resources as is necessary to assist county and municipal efforts to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.
2. The provisions of the January 31, 2011 shall remain in effect.
3. This Amendment to Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this tenth day of March in the year of our Lord two thousand eleven of the Commonwealth the two hundred and thirty-fifth.



Governor

[Pa.B. Doc. No. 11-547. Filed for public inspection April 1, 2011, 9:00 a.m.]

# Title 4—ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

### [ 4 PA. CODE CH. 6 ]

#### [ EXECUTIVE ORDER NO. 2011-01 ]

### Governor's Marcellus Shale Advisory Commission

March 8, 2011

*Whereas*, The Commonwealth of Pennsylvania is fortunate to have one of the most abundant and diverse mineral resource fields in the world, including the Marcellus Shale natural gas reserves; and

*Whereas*, innovative technological advances in drilling, mining methods, equipment and water protection and treatment have made development of gas in the Marcellus Shale and other unconventional natural gas reserves possible; and

*Whereas*, in 2010, Commonwealth taxpayers and communities received more than \$600 million in state and local tax revenue from Marcellus Shale; and

*Whereas*, Marcellus Shale offers tremendous economic and energy independence opportunities for the Commonwealth; and

*Whereas*, the Commonwealth takes seriously its responsibility to ensure the development of natural gas in a manner that protects the environment and safeguards the health and welfare of its citizens; and

*Whereas*, the responsible development of natural gas resources will position the Commonwealth in the global marketplace as a world leader in energy supply and reduce our dependence on foreign oil; and

*Whereas*, it has been determined that the Governor and the Commonwealth would benefit from the advice and counsel of an official advisory commission comprised of key stakeholders, including experts from the environmental community, natural gas industry, local government representatives and state government officials.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Marcellus Shale Advisory Commission as hereinafter set forth.



Governor

**Fiscal Note:** 2011-01. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter II. GOVERNOR'S MARCELLUS SHALE ADVISORY COMMISSION

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6.432.	Responsibilities.
6.433.	Composition.
6.434.	Terms of membership.
6.435.	Compensation.
6.436.	Staffing.
6.437.	Cooperation by State agencies.
6.438.	Reports.
6.439.	Effective date.
6.440.	Termination date.

**§ 6.431. Purpose.**

The Governor's Marcellus Shale Advisory Commission shall develop a comprehensive, strategic proposal for the responsible and environmentally sound development of Marcellus Shale.

**§ 6.432. Responsibilities.**

The Governor's Marcellus Shale Advisory Commission (Commission) shall do the following:

(1) Complete a review of existing and proposed statutes, legislation, regulations and policies that regulate or affect Marcellus Shale natural gas development in this Commonwealth and provide analysis and recommendations regarding the following:

(i) Additional steps necessary to protect, conserve and enhance this Commonwealth's environment and natural resources and further mitigate impacts from development on this Commonwealth's air, land and water resources.

(ii) Efforts necessary to promote the efficient, environmentally sound and cost-effective development of Marcellus Shale and other unconventional natural gas resources.

(iii) Policies designed to encourage the end use of natural gas and natural gas by-products.

(iv) Workforce development needs and opportunities.

(v) Identifying, quantifying and recommending proposals to address the needs and impacts of natural gas development on local communities.

(2) Provide interim reporting to the Governor, as determined as appropriate by the Commission Chairperson.

(3) Provide a final report due by July 22, 2011.

(4) Convene its first meeting by March 31, 2011, with subsequent meetings as determined by members of the Commission. A simple majority of the members shall constitute a quorum.

(5) Adopt rules of procedure consistent with this subchapter.

**§ 6.433. Composition.**

The Governor's Marcellus Shale Advisory Commission (Commission) shall consist of the following members:

(1) The Lieutenant Governor, who will serve as Chairperson of the Commission.

(2) A minimum of 25 and a maximum of 35 appointees, representing the interests of environmental, conservation, industry, local and State government, who will be chosen by and serve at the pleasure of the Governor.

**§ 6.434. Terms of membership.**

The members of the Governor's Marcellus Shale Advisory Commission (Commission) shall serve from the date of their appointment by the Governor until July 22, 2011, or their removal from the Commission by the Governor, whichever occurs first. The Governor may fill vacancies that may occur and may remove any member from the Commission at his discretion.

**§ 6.435. Compensation.**

Members of the Governor's Marcellus Shale Advisory Commission (Commission) receive no compensation for their service as Commission members. Nongovernment members will be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.436. Staffing.**

The Department of Environmental Protection will provide administrative staff resources to support the Governor's Marcellus Shale Advisory Commission.

**§ 6.437. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Marcellus Shale Advisory Commission to carry out its functions effectively.

**§ 6.438. Reports.**

In addition to the interim recommendations in § 6.432(2) (relating to responsibilities), the Governor's Marcellus Shale Advisory Commission (Commission) shall submit to the Governor a final report on the Commission's activities by July 22, 2011.

**§ 6.439. Effective date.**

This subchapter shall take effect March 8, 2011.

**§ 6.440. Termination date.**

This subchapter shall remain in effect until July 22, 2011.

[Pa.B. Doc. No. 11-548. Filed for public inspection April 1, 2011, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 85 ]

#### Amendment of Rule 205 of the Rules of Disciplinary Enforcement; No. 97 Disciplinary Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 16th day of March, 2011, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of justice and efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 205(c) of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

\* \* \* \* \*

(c) The Board shall have the power and duty:

(1) To consider [ **and investigate** ] the conduct of any person subject to these rules [ **and may initiate any such investigation on its own motion or may undertake the same upon complaint by any person** ] after investigation by Disciplinary Counsel pursuant to Enforcement Rule 207(b)(1). Complaints filed directly with the Board shall be forwarded to the Office of Chief Disciplinary Counsel for assignment to a district office.

**Official Note:** In order to avoid the commingling of prosecutorial and adjudicative functions, which would be a violation of due process, *see Lyness v. Com. of Pa., State Board of Medicine*, 529 Pa. 535, 605 A.2d 1204 (1992), the Office of Disciplinary Counsel is charged with the duty of investigating and prosecuting all disciplinary matters subject to adjudication by the Board. *See Enforcement Rule 208(a)(1), (a)(2)(iv)*. Under Enforcement Rule 208(d)(1), Board Members appointed in a matter to review Disciplinary Counsel's charging decisions or

recommended disposition are precluded from further participation in that matter.

(2) To appoint a Secretary, a Chief Disciplinary Counsel, and such assistant disciplinary counsel and staff as may from time to time be required to properly perform the functions prescribed by these rules.

(3) To appoint not less than 18 hearing committee members within each disciplinary district. Each person appointed as a hearing committee member for a district shall be a member of the bar of this Commonwealth who maintains an office for the practice of law within that district.

(4) To assign as special masters three or more former members of the Board or former or retired justices or judges who are not in senior judge status. The expenses and compensation of the special masters shall be paid as a cost of disciplinary administration and enforcement. *See Enforcement Rule 219(a)* (relating to periodic assessment of attorneys).

(5) To assign formal charges or the conduct of an investigatory hearing to a hearing committee or special master, **and to assign a reinstatement petition to a hearing committee**. The assignment to a hearing committee of formal charges [ **or** ], the conduct of an investigatory hearing, **or a reinstatement petition** may be delegated by the Board to its Secretary. A hearing committee **member** who has passed upon Disciplinary Counsel's recommended disposition of the matter shall be ineligible to serve on the hearing committee that considers the matter.

(6) To review the conclusions of hearing committees and special masters with respect to formal charges **or petitions for reinstatement**, and to prepare and forward its own findings and recommendations, together with the record of the proceeding before the hearing committee or special master, to the Supreme Court.

(7) To assign periodically, through its Secretary, senior or experienced hearing committee members within each disciplinary district to:

(i) review and approve or modify recommendations by Disciplinary Counsel for dismissals, informal admonitions, private reprimands and institution of formal charges;

(ii) hear and determine attacks on the validity of subpoenas issued pursuant to **Enforcement Rule 213(a)(2)** (relating to subpoena power, depositions and related matters), as provided in **Enforcement Rule 213(d)(2)**; or

(iii) consider a petition for reinstatement to active status from **retired or** inactive status, **or administrative suspension**, under Enforcement Rule 218 (relating to reinstatement) of a formerly admitted attorney who has not been suspended or disbarred.

(8) To review, through a designated panel of three members, and approve or modify a determination by a reviewing hearing committee member that a matter should be concluded by dismissal, private informal admonition, private reprimand or the institution of formal charges before a hearing committee.

(9) To review, through a designated panel of three members, and approve or reject a joint petition in



support of discipline on consent filed with the Board pursuant to Enforcement Rule 215(d).

(10) To review, through a single member designated by the Board Chair, and approve or reject a certification filed by Disciplinary Counsel under Enforcement Rule 218(d)(2)(ii) indicating that Disciplinary Counsel has determined that there is no impediment to reinstatement of the petitioner, and to issue the report and recommendation required by subdivision (d) of Enforcement Rule 218.

(11) To administer, by the Board or through a designated panel of three members selected by the Board Chair, private reprimands to attorneys for misconduct.

[ (10) ] (12) To adopt rules of procedure not inconsistent with these rules. Such rules may provide for the delegation to the [ Chairman ] Board Chair or the [ Vice-Chairman ] Vice-Chair of the power to act for the Board on administrative and procedural matters.

[ (11) ] (13) To cause testimony relating to the conduct of formerly admitted attorneys to be perpetuated.

[ (12) ] (14) To petition the Court under Enforcement Rule 301(d) (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated) to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, and to retain counsel other than Disciplinary Counsel to represent the Board in such proceedings when the Board considers such separate representation to be appropriate.

[ (13) ] (15) To recommend the temporary suspension of a respondent-attorney pursuant to Enforcement Rule 208(f)(5) (relating to emergency temporary suspension orders and related relief).

[ (14) ] (16) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

\* \* \* \* \*

[Pa.B. Doc. No. 11-549. Filed for public inspection April 1, 2011, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1920 ]

**Rescission of the 1996 Explanatory Comment and Adoption of a Note to Rule 1920.55-1 of the Rules of Civil Procedure; No. 542 Civil Procedural Rules Doc.**

#### Order

*Per Curiam*

And Now, this 16th day of March, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the 1996 Explanatory

Comment to Rule 1920.55-1 of the Pennsylvania Rules of Civil Procedure is rescinded and a new Note to Rule 1920.55-1 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

#### Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

(a) Matters referred to a master for hearing shall proceed as prescribed by Rule 1920.55-2 unless the court by local rule adopts the alternative procedure of Rule 1920.55-3.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a master in that county are conducted in accordance with either Rule 1920.55-2 or Rule 1920.55-3. The certification shall be filed with the Domestic Relations **Procedural Rules** Committee and shall be substantially in the following form:

I hereby certify that \_\_\_\_\_ County conducts its divorce proceedings [ **which** ] **that** are referred to a master in accordance with Rule \_\_\_\_\_.

\_\_\_\_\_  
(PRESIDENT JUDGE)

\_\_\_\_\_  
(ADMINISTRATIVE JUDGE)

**Official Note:** Pursuant to Rule 1920.55-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that divorce proceedings referred to a master are conducted in accordance with the rule specified below.

Adams	1920.55-2
Allegheny	1920.55-2
Armstrong	1920.55-2
Beaver	1920.55-2
Bedford	1920.55-2
Berks	1920.55-2
Blair	1920.55-2
Bradford	1920.55-2
Bucks	Both
Butler	1920.55-2
Cambria	1920.55-2
Cameron	1920.55-2
Carbon	1920.55-2
Centre	1920.55-2
Chester	1920.55-2
Clarion	1920.55-2
Clearfield	1920.55-2
Clinton	no masters
Columbia	1920.55-2
Crawford	1920.55-2
Cumberland	1920.55-2
Dauphin	1920.55-2
Delaware	1920.55-3
Elk	1920.55-2
Erie	1920.55-2
Fayette	1920.55-2
Forest	1920.55-2
Franklin	1920.55-2



Fulton	1920.55-2
Greene	1920.55-2
Huntingdon	no masters
Indiana	1920.55-2
Jefferson	1920.55-2
Juniata	1920.55-2
Lackawanna	1920.55-2
Lancaster	1920.55-2
Lawrence	1920.55-2
Lebanon	1920.55-2
Lehigh	1920.55-2
Luzerne	1920.55-2
Lycoming	1920.55-2
McKean	1920.55-2
Mercer	1920.55-2
Mifflin	no masters
Monroe	1920.55-2
Montgomery	1920.55-3
Montour	1920.55-2
Northampton	1920.55-2
Northumberland	1920.55-2
Perry	1920.55-2
Philadelphia	1920.55-3
Pike	1920.55-2
Potter	no masters
Schuylkill	1920.55-2
Snyder	1920.55-2
Somerset	1920.55-2
Sullivan	1920.55-2
Susquehanna	1920.55-2
Tioga	1920.55-2
Union	1920.55-2
Venango	1920.55-2
Warren	1920.55-2
Washington	1920.55-2
Wayne	1920.55-2
Westmoreland	1920.55-2
Wyoming	1920.55-2
York	1920.55-2

#### Explanatory Comment—1995

The proposed amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Rule 1920.55-3.

[Pa.B. Doc. No. 11-550. Filed for public inspection April 1, 2011, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 3 ]

Order Amending Rule 320 of the Rules of Criminal Procedure; No. 400 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 14th day of March, 2011, upon the recommendation of the Criminal Procedural Rules Com-

mittee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 320 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2011.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)

##### PART B. Court Cases

#### Rule 320. Expungement Upon Successful Completion of ARD Program.

(A) When the judge orders the dismissal of the charges against the defendant, the judge **also** shall [ **also** ] order the expungement of the defendant's arrest record, subject to the provisions of paragraph (B). **The expungement order shall contain the same information that is required in Rule 490(C) in summary cases and Rule 790(C) in court cases.**

(B) If the attorney for the Commonwealth objects to the automatic expungement, the objections shall be filed with the judge, together with the objections to dismissal, if any, within 30 days after service of a motion for dismissal under Rule 319, and copies of the objections shall be served on the defendant or the defendant's attorney.

(C) If the objections are filed, the judge shall hold a hearing on the objections, affording all parties an opportunity to be heard.

#### Comment

The cases have held that a defendant's arrest record shall be expunged upon successful completion of an ARD program, unless the Commonwealth presents compelling reasons why the arrest record should be retained. *See, e.g., Commonwealth v. Armstrong*, 495 Pa. 506, 434 A.2d 1205 ([ Pa. ] 1981). *Cf., Commonwealth v. Wexler*, 494 Pa. 325, 431 A.2d 877 ([ Pa. ] 1981). For processes and limitations with regard to expungement generally, see Section 9122 of the Criminal History Record Information Act, 18 Pa.C.S. § 9122 [ (1983) ]. *See also*, Vehicle Code, §§ [ 543 ] 1534(b) and [ 3731(e)(2) ] 3807, added by 75 Pa.C.S. §§ 1534(b) and [ 3731(e)(2) ] 3807.

**Official Note:** Rule 186 adopted April 10, 1989, effective July 1, 1989; renumbered Rule 320 and amended March 1, 2000, effective April 1, 2001; **amended March 14, 2011, effective April 1, 2011.**

#### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the March 14, 2011 amendments to paragraph (A) adding the cross reference to Rules 490 and 790 published with the Court's Order at 41 Pa.B. 1760 (April 2, 2011).**

**FINAL REPORT<sup>1</sup>**  
**Amendments to Pa.R.Crim.P.320**  
**Expungement of ARD Cases**

On March 14, 2011, effective April 1, 2011, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 320 (Expungement Upon Successful Completion of ARD Program). The amendments clarify that the orders for expungement in Accelerated Rehabilitative Disposition ("ARD") cases must contain the same contents as expungement orders for summary cases set forth in Rule 490 and for court cases set forth in Rule 790.

**I. Background**

The Court on September 22, 2010 adopted new Rules of Criminal Procedure 490 and 790. The new rules establish the procedures for expunging summary and court case records, and include the information that is required to be in the expungement order. At the same time, the Court rescinded Rule 722 as no longer necessary with the adoption of the new rules. Rule 722 had set forth the contents of all expungement orders.

When the Committee developed the proposal for new Rules 490 and 790, we agreed that the provisions for expungement following completion of ARD should continue to be handled separately under Rule 320. Rule 320 provides, *inter alia*, "[w]hen the judge orders the dismissal of the charges against the defendant, the judge shall also order the expungement of the defendant's arrest record." The rule does not include a provision concerning the contents of the expungement order.

Former Rule 722 required that every expungement order include all the information set forth in the rule. The Rule 722 Comment emphasized this requirement stating "[t]his rule sets forth the information that must be included in every expungement order . . ." With the rescission of Rule 722 and the specific exclusion of ARD expungement from new Rules 490 and 790, the rules no longer provide what information is to be included in the ARD expungement order. This oversight on the part of the Committee has caused a good deal of confusion for the bench and bar in the short time period since the new rules and the Rule 722 rescission went into effect. It also is causing delays in the completion of the ARD expungements.

The Committee agreed that the required contents for expungement orders set forth in Rule 490(C) for summary case expungements and in Rule 790(C) for court case expungements also should be required for ARD expungement orders. To accomplish this, references to Rules 490(C) and 790(C) have been added to Rule 320(A). This addition makes it clear that ARD expungement orders must include all the information that is required by Rule 490(C) in summary case ARD expungements and by Rule 790(C) in court case ARD expungements. This change will reduce the confusion being experienced by some common pleas court judges, court administration, the bar, and pro se defendants, and will reduce the delays in completing ARD expungements.

[Pa.B. Doc. No. 11-551. Filed for public inspection April 1, 2011, 9:00 a.m.]

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Objections to Nomination Petitions—Primary Election, May 17, 2011; President Judge Administrative Order No. 2011-01

#### Order

*And Now*, this 14th day of March 2011, *It Is Hereby Ordered, Adjudged and Decreed* that as required by 25 P. S. § 2937, any petition raising objections to Nomination Petitions ("petition") of candidates for the May 17, 2011 Primary Election shall be filed, scheduled and disposed as follows:

(1) the petition and Exhibits shall be electronically filed with the Court, pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule \*205.4, no later than 5:00 PM on March 15, 2011. The petition shall be in the format attached as "Exhibit 1;"

(2) a copy of the petition shall be served on the Philadelphia County Board of Elections and on the candidate-nominee-respondent. A copy of the petition may be served on the Philadelphia County Board of Elections before or after the petition is filed with the Court, at their office, Room 142 City Hall, Philadelphia, PA; and, on March 15, 2011 may also be served on their representative, who has agreed to be available in the Prothonotary's Office, Room 280 City Hall, Philadelphia, PA from 3:00 PM to 5:00 PM;

(3) On March 15, 2011, the Office of the Prothonotary, Room 280 City Hall, will be open from 8:30 AM to 5:00 PM. Prothonotary staff will assist any party who wishes to electronically file petitions utilizing public access computers located in the Prothonotary's office. At precisely 5:00 PM, the Prothonotary shall close the office but shall continue to assist any party or counsel who was in line in the Prothonotary's office before 5:00 PM. Consistent with prior practice, any petition filed by these parties and/or counsel shall be deemed timely filed even if filed after 5:00 PM on March 15, 2011;

(4) Any petition filed electronically by any party after 5:00 PM on March 15, 2011 will be date and time stamped to reflect the actual time of receipt;

(5) Once the petition has been filed with the Prothonotary, an Order to Show Cause shall be issued scheduling a hearing date for March 18, 2011. The Order must be served by the petitioner before the hearing date as provided in the Order. The Order to Show Cause shall be in the format attached as "Exhibit 2;"

(6) The petitioner shall bring at the hearing, or file before the hearing, an Affidavit of Service indicating the date and time of service of the petition and of the Order to Show Cause. The Affidavit of Service shall be in the format attached as "Exhibit 3;" and

(7) The Court may reschedule the hearing for good cause, including inability to serve the petition or Order to Show Cause. The hearing must be concluded and a final order issued no later than March 23, 2011. The final order shall be in the format attached as "Exhibit 4."

This Administrative Order shall become effective immediately. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Admin-

PENNSYLVANIA BULLETIN, VOL. 41, NO. 14, APRIL 2, 2011

## SCHEDULE OF OBJECTION

NR	Not Registered	BA	Bad Address
REP	Registered Republican	PS	Printed name on petition. Signed name on registration record
N-P	Registered Non-Partisan	S	Signature on petition is not the signature of voter on record
OD	Out of District	IL	Name or address illegible

**EXHIBIT 2**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
Court of Common Pleas of Philadelphia County

In Re : Election Matter  
Nomination Petition of :  
 : MARCH TERM, 2011  
 :

As Candidate for :  
Office of : NO. \_\_\_\_\_

**ORDER TO SHOW CAUSE**

AND NOW, this \_\_\_\_\_ day of March, 2011, upon consideration of the Petition to Set Aside Nomination Petition filed on \_\_\_\_\_, it is hereby ordered that:

(1) a rule is issued upon the Philadelphia County Board of Elections and the Respondent-Nominee, \_\_\_\_\_, to show cause why the above-referenced Nomination Petition should not be set aside and/or why the name of the Respondent-Nominee should not be removed from the ballot as a candidate for the

\_\_\_\_\_ Party Nomination  
(Democratic/Republican/Other)  
for \_\_\_\_\_, in the City of  
\_\_\_\_\_ (Office sought by Nominee)  
Philadelphia;

(2) a hearing shall be held the 18th day of March, 2011, at 9:30 AM at the Riverview Place, 520 North Delaware Avenue, 6th Floor, City Commissioner's Hearing Room, Philadelphia, Pennsylvania;

(3) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the County Board of Elections by personal service on an employee in charge, in Room 142 City Hall, Philadelphia, Pennsylvania, on or before the 15th day of March, 2011, at 5:00 PM. An Affidavit of Service shall be filed on or before the hearing date; and

(4) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the Respondent-Nominee, \_\_\_\_\_, personally or upon an adult at his/her residence, or upon the person in charge of his/her place of business, on or before the 17th day of March, 2011, at 4:00 PM. An Affidavit of Service shall be filed on or before the hearing date.

BY THE COURT:

\_\_\_\_\_  
PAMELA PRYOR DEMBE, P.J.

**EXHIBIT 3**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
Court of Common Pleas of Philadelphia County

In Re : Election Matter  
Nomination Petition of :  
 : MARCH TERM, 2011  
 :

As Candidate for :  
Office of : NO. \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, hereby certify that I have served a copy of the pleadings as follows:

Petition to Set Aside Nomination Petition on \_\_\_\_\_, an employee of the County Board of Elections on March \_\_\_\_\_, 2011 at \_\_\_\_\_ AM/PM at the following location:

Order to Show Cause on \_\_\_\_\_, an employee of the County Board of Elections on March \_\_\_\_\_, 2011 at \_\_\_\_\_ AM/PM at the following location:

\_\_\_\_\_ and  
Petition to Set Aside Nomination Petition on Respondent, \_\_\_\_\_ on March \_\_\_\_\_, 2011 at  
Name  
\_\_\_\_\_ AM/PM at the following location:

Order to Show Cause on Respondent, \_\_\_\_\_, on March \_\_\_\_\_, 2011 at \_\_\_\_\_ AM/PM at the following location:

I verify that the facts contained herein are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

**EXHIBIT 4**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
Court of Common Pleas of Philadelphia County

In Re : Election Matter  
Nomination Petition of :  
 : MARCH TERM, 2011  
 :

As Candidate for :  
Office of : NO. \_\_\_\_\_

**FINAL ORDER**

AND NOW, this \_\_\_\_\_ day of March, 2011, upon consideration of the Petition to Set Aside Nomination Petition filed on March \_\_\_\_\_, 2011, after a hearing held thereon, and upon consideration of the evidence and/or legal arguments presented, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

- ☐ The Court finds that:
- ☐ the Nomination Petition is defective; and/or
- ☐ the Nomination Petition does not contain a sufficient number of genuine signatures of electors entitled to sign; and/or
- ☐ the Nomination Petition was not filed by persons entitled to file the same the objections to the Nominating Petition of Respondent-Nominee \_\_\_\_\_, are granted, and the Nomination Petition is set aside,



and/or the name of the Respondent-Nominee should be removed from the ballot as a candidate for the above-referenced position.

- ☐ The Objections to the Nomination Petition of Respondent-Nominee \_\_\_\_\_, are denied, and the Nomination Petition shall be accepted by the County Board of Elections.

BY THE COURT:

\_\_\_\_\_  
J.

[Pa.B. Doc. No. 11-552. Filed for public inspection April 1, 2011, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

Mercer County

County-Wide Booking Center Fee; No. 56 M.D.  
2011

### Order

And Now, this 14th day of March 2011, the court hereby *Approves, Adopts and Promulgates* Mercer County Administrative Order 1 A. D. 2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

It is also *Ordered and Directed* the Court Administrator of Mercer County shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified Copy with the Criminal Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of this Administrative Order shall be published in the *Mercer County Law Journal*.

By the Court

FRANCIS J. FORNELLI,  
*President Judge*

County-Wide Booking Center Fee; No. 1 A. D. 2011

### Administrative Order

And Now, this 28th day of February, 2011, *It Is Hereby Ordered and Directed* that the Court of Common Pleas of Mercer County, Pennsylvania, adopts a county wide regional booking center fee in accordance with a regional booking center plan adopted by the Mercer County Criminal Justice Advisory Board, and supported by the Mercer County Commissioners, the Mercer County Prison Board, the Mercer County Council of Governments and Mercer County Sheriff, District Attorney and county police chiefs. The plan was approved by the Pennsylvania Commission on Crime and Delinquency on August 31, 2010. This fee is authorized by 42. Pa.C.S.A. Section 1725.5.

1. A booking fee of one hundred dollars (\$100.00) shall be assessed and collected by the Mercer County Clerk of Courts after sentencing upon a conviction of, or a plea to: a misdemeanor offense, felony offense, or acceptance into the Accelerated Rehabilitative Disposition Program. The Administrative Office of Pennsylvania Courts is authorized to add a collections entry process on the appropriate computers to facilitate the collection of this fee.

2. The fee will not apply to those Defendants whose cases were dismissed by a Magisterial District Judge; withdrawn or nolle prossed by the Commonwealth; who enter a guilty plea to a summary offense, or a Rule of Criminal Procedure 586 disposition.

[Pa.B. Doc. No. 11-553. Filed for public inspection April 1, 2011, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that James Steven Weiss having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated April 29, 2010, the Supreme Court of Pennsylvania issued an Order on March 17, 2011, disbarring James Steven Weiss from the Bar of this Commonwealth, effective April 16, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-554. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that James Rudolph Boykins having been suspended from the practice of law in the District of Columbia for a period of 2 years by Order of the District of Columbia Court of Appeals decided July 29, 2010, the Supreme Court of Pennsylvania issued an Order dated March 17, 2011, suspending James Rudolph Boykins from the practice of law in this Commonwealth for a period of 2 years. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-555. Filed for public inspection April 1, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CHS. 135 AND 147 ]

#### Lands and Buildings; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended § 135.181 (relating to rifle and handgun ranges) and added Chapter 147, Subchapter Z (relating to State game lands range permits) to require users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The Commission also amended § 135.41 (relating to State game lands) to redirect target shooting activities of all unlicensed individuals to designated State game land ranges.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 6685 (November 20, 2010).

#### 1. Purpose and Authority

Over the past few years, the Commission has made large investments in its various shooting ranges on State game lands across this Commonwealth. These investments have taken the form of lead remediation, safety barrier reconstruction, shooting range redesign and other related projects. These investments came at a high cost but kept many shooting ranges open and available to the public. Historically, hunters and furtakers have provided most if not all of the resources for keeping the Commission's shooting ranges open to the public through their license dollars. Additionally, the open use of game lands for shooting activities by those not licensed or otherwise permitted has resulted in situations when persons have used ranges and game lands for illicit activities. The Commission has made amendments to regulate unlicensed recreational shooters to accomplish the twin goals of having those unlicensed persons contribute toward the cost of the program and to better quantify and control use of State game lands and game land ranges. To this end, the Commission amends § 135.181 and adds Chapter 147, Subchapter Z to require users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The Commission also amends § 135.41 to redirect target shooting activities of unlicensed individuals to designated State game land ranges. These changes will not result in increased cost or change in privileges for licensed hunters and furtakers.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issu-

ance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 135.41 and 135.181 and the addition of Chapter 147, Subchapter Z are adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 135.181 and adds Chapter 147, Subchapter Z by replacing and creating language to require users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The final-form rulemaking also amends § 135.41 by adding language to redirect target shooting activities of unlicensed individuals to designated State game land ranges.

#### 3. Persons Affected

Persons engaged in target shooting activities on State game lands or designated ranges may be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received a total of eight official written comments concerning this final-form rulemaking. One written comment supported a higher range fee for non-residents than provided for in the proposed rulemaking. One written comment supported a lower range fee than provided for in proposed rulemaking.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 135 and 147, are amended by amending § 135.41 and adding §§ 147.1001—147.1004 to read as set forth at 40 Pa.B. 6685; and by amending § 135.181 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 40 Pa.B. 6685 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-319 remains valid for the final adoption of the subject regulations.

# Annex A

## TITLE 58. RECREATION

### PART III. GAME COMMISSION

#### CHAPTER 135. LANDS AND BUILDINGS

##### Subchapter J. SHOOTING RANGES

###### § 135.181. Rifle and handgun ranges.

(a) *General provisions.* In addition to § 135.2 (relating to unlawful actions) and except as provided in § 135.182 (relating to Ranges, State Game Lands No. 176), the following pertain to lands under Commission ownership, lease or jurisdiction, designated as rifle or handgun ranges:

(1) Rifle and handgun ranges are open from 8 a.m., prevailing time, until sunset Monday through Saturday and from 12 noon to sunset Sundays, unless otherwise posted; except the Sunday immediately preceding the regular antlered and antlerless deer seasons and the regular bear season, when the hours are 8 a.m. to sunset.

(2) A range may be reserved for exclusive use by an organized group from January 1 through October 1. An organized group desiring to reserve the range shall make necessary arrangements through the appropriate regional director or a designee at least 20 days in advance.

(3) An individual may not use the range when in use on days when it is reserved by an organized group.

(4) An individual or an organized group using the range is responsible for keeping the area clean and free of debris, and may not discard, deposit, leave or throw litter except in approved refuse containers. Range users shall remove targets from range backboards when shooting is completed and prior to leaving the range.

(5) The Commission is not responsible for anyone injured on the range. An individual using Commission owned ranges does so at his own risk and assumes all responsibility for injuries to a person or property caused by or to him.

(6) When more than one person is using the range, a range officer shall be designated.

(7) An individual under 16 years of age may not use the range unless accompanied by a person 18 years of age or older.

(8) The appropriate regional director or designee may close a range by posting signs to that effect.

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee, it is unlawful to:

(1) Possess a loaded firearm, except at an established shooting station on the firing line.

(2) Discharge a firearm, except from an established shooting station on the firing line at a paper target placed on a permanent target backboard.

(3) Discharge armor piercing, incendiary, explosive, tracer or multiple projectile ammunition.

(4) Be intoxicated, use or possess an intoxicating beverage or controlled substance on the range.

(5) Possess an automatic weapon.

(6) Possess, load or discharge a firearm that contains more than three rounds of single projectile ammunition, except as provided in subsection (c).

(7) Shoot clay birds anywhere except areas designated by the Director by signs stating that clay bird shooting is permitted.

(8) Possess, load or discharge a firearm for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit.

(c) *Exceptions for a handgun range.* At a Commission range specifically designated as a handgun range, it is permitted for an individual to load and discharge a handgun containing a maximum of six rounds of single projectile ammunition at any one time. Other rules and regulations pertaining to shooting ranges under Commission ownership, lease or jurisdiction shall be in effect.

[Pa.B. Doc. No. 11-556. Filed for public inspection April 1, 2011, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; Prohibited Devices

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, added § 141.68 (relating to prohibited devices) to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 6685 (November 20, 2010).

##### 1. Purpose and Authority

The Commission has recently identified anecdotal evidence of the usage of fishing or snagging hooks in certain trapping activities. While this practice has never been accepted by the Commission or the broader trapping community as an acceptable device for the harvesting of furbearers, current applicable statutes and regulations do not expressly prohibit their usage. The Commission adds § 141.68 to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.



Section 2102(d) of the code (relating to regulations) provides "The commission shall promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 141.68 is adopted under this authority.

#### 2. *Regulatory Requirements*

The final-form rulemaking adds § 141.68 by creating language to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.

#### 3. *Persons Affected*

Persons wishing to hunt or trap furbearers within this Commonwealth may be affected by the final-form rulemaking.

#### 4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

#### 5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by adding § 141.68 to read as set forth at 40 Pa.B. 6685.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6685 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-315 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-557. Filed for public inspection April 1, 2011, 9:00 a.m.]

## GAME COMMISSION [ 58 PA. CODE CH. 147 ] Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended § 147.673 (relating to eligibility and application for DMAP) to require that public landowners provide approved management plans along with applications and also advance applications date 1 month earlier.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 6687 (November 20, 2010).

#### 1. *Purpose and Authority*

In April 2010, the Commission directed staff to review the Deer Management Assistance Program (DMAP) as it related to public landowners to enhance accountability for DMAP on public lands. Based upon this review, the Commission amends § 147.673 to require that public landowners provide an approved management plan along with applications. The Commission also advanced the application date 1 month earlier to allow staff adequate time to review and process DMAP applications in a timely manner as well as notify applicants about permit availability prior to the issuance of regular antlerless licenses.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.673 are adopted under this authority.

#### 2. *Regulatory Requirements*

The final-form rulemaking amends § 147.673 by replacing language to require that public landowners provide an approved management plans along with application and also advance the application date 1 month earlier.

#### 3. *Persons Affected*

Persons engaged in DMAP white-tailed deer control activities may be affected by the final-form rulemaking.

#### 4. *Comment and Response Summary*

The Commission received a total of two official written comments concerning this final-form rulemaking. Both written comments supported requiring public landowners to submit a written deer management plan with DMAP applications.

#### 5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

## 7. Contact Person

For further information regarding the final-form rule-making, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

## Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

## Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.673 to read as set forth at 40 Pa.B. 6687.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6687 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-317 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-558. Filed for public inspection April 1, 2011, 9:00 a.m.]

# GAME COMMISSION [ 58 PA. CODE CH. 147 ] Special Permits; White-Tailed Deer

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended §§ 147.552 and 147.556 (relating to application; and lawful devices and methods) to create a focused, limited authorization permitting the baiting of white-tailed deer in wildlife management units (WMUs) 5C and 5D on approved properties enrolled in the Red Tag Program.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 6689 (November 20, 2010).

## 1. Purpose and Authority

On March 31, 2010, the Commission's 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired.

The Commission's final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. In furtherance of the Commission's continuing efforts to find effective tools to manage the population on agriculture lands in this Commonwealth, the Commission amends §§ 147.552 and 147.556 to create a focused, limited authorization permitting the baiting of white-tailed deer in WMUs 5C and 5D on approved properties enrolled in the Red Tag Program.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 147.552 and 147.556 are adopted under this authority.

## 2. Regulatory Requirements

The final-form rulemaking amends §§ 147.552 and 147.556 by adding language to create a focused, limited authorization permitting the baiting of white-tailed deer in WMUs 5C and 5D on approved properties enrolled in the Red Tag Program.

## 3. Persons Affected

Persons engaged in Red Tag white-tailed deer control activities in WMUs 5C and 5D may be affected by the final-form rulemaking.

## 4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

## 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

## 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

## 7. Contact Person

For further information regarding the final-form rule-making, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

## Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

## Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.552 and 147.556 to read as set forth at 40 Pa.B. 6689.

## RULES AND REGULATIONS

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6689 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-316 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 11-559. Filed for public inspection April 1, 2011, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 521, 526,  
527, 601a, 609a AND 611a ]

### General Table Games Provisions; Credit; Table Game Minimum Training Standards

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02, 13A27, 1701 and 1702 proposes to rescind Chapters 521, 526 and 527 (relating to general provisions; credit; and minimum training standards) and adopt Chapters 601a, 609a and 611a (relating to general table games provisions; credit; and table game minimum training standards) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 521, 526 and 527. With this proposed rulemaking, the Board is proposing to replace the temporary regulations in Chapter 521 with the permanent regulations in Chapter 601a, temporary regulations in Chapter 526 with the permanent regulations in Chapter 609a and the temporary regulations in Chapter 527 with the permanent regulations in Chapter 611a.

#### *Explanation of Chapter 601a*

Chapter 601a covers a broad range of requirements. Section 601a.1 (relating to definitions) contains definitions of terms that are used in multiple chapters in Subpart K (relating to table games).

Section 601a.2 (relating to table games Rules Submissions) requires certificate holders to submit and gain approval of a Rules Submission for every game they offer when the Board's regulations allow the certificate holders to select different procedures for the play of a game. In drafting the regulations for specific table games, the Board attempted to give certificate holders a great deal of flexibility so they can tailor their games to meet their patrons' desires. However, to monitor and enforce the rules regarding the play of table games effectively, the Board will need to know which features or options will be used for each game at each licensed facility. The use of the Rules Submission process, which is modeled on the process for the review of internal controls, will provide an effective mechanism to accomplish this.

Section 601a.3 (relating to request to offer a new table game or new feature for an existing table game) gives certificate holders a mechanism through which they can request permission to offer a new table game or add a new wager or feature to an existing game. The Board recognizes that as more jurisdictions permit table games, certificate holders may need to be able to add new games or modify existing games to maintain player interest and meet market demands. Under this section, certificate holders will be able to file a written request with the Board's Executive Director requesting permission to do either of these.

Similarly, § 601a.4 (relating to waiver of existing table game regulations) allows certificate holders to file a

petition to seek a waiver of the Board's table game regulations or a written request with the Board's Executive Director to offer an authorized table game on an electronic gaming table in a manner that is inconsistent with the Board's regulations. The provision on fully automated table games was added to address inconsistencies discovered between the Board's regulations and the play on electronic gaming tables, such as whether cards in Blackjack are dealt from left to right in live play or simultaneously in the electronic version. These inconsistencies, which typically do not affect the outcome of play, are more logically rectified by submission of a written request to the Board's Executive Director rather than a petition to the Board.

Section 601a.5 (relating to electronic, electrical and mechanical devices prohibited) prohibits the use of equipment for cheating. Section 601a.6 (relating to minimum and maximum wagers; additional wagering requirements) establishes the requirements for setting minimum and maximum wagers. Section 601a.7 (relating to rules of the games; notice) sets forth the notice requirements for table rules and establishes a 30-minute notice requirement to patrons prior to changing the minimum permissible wagers at a gaming table. The 30-minute notice is required under 4 Pa.C.S. § 13A02(3) (relating to regulatory authority). Section 601a.8 (relating to patron access to the rules of the games; gaming guides) requires certificate holders to make the rules of each table game offered available to the public and to develop a gaming guide which summarizes the rules.

Section 601a.9 (relating to table game taxes and gross table game revenue) echoes the requirement in the act of January 7, 2010 (P. L. 1, No. 1) (Act 1) which requires certificate holders to pay the tax on table game revenue to the Department of Revenue (Department) on a weekly basis on forms prescribed by the Department. In addition, it sets forth the procedures for calculating gross table game revenue for the following: all banking table games including electronic gaming tables which are not fully automated electronic table games; nonbanking table games; fully automated electronic table games; and contests or tournaments. It also reiterates the items in Act 1 that a certificate holder may deduct from the calculation of gross table game revenue.

#### *Explanation of Chapter 609a*

Section 609a.1 (relating to definitions) contains definitions for terms that are used in this chapter.

Section 609a.2 (relating to internal control requirements) requires certificate holders that elect to offer credit to patrons to include the procedures that the certificate holders will use as part of their internal controls submissions to the Board. This will allow the Board to review the procedures to verify that they comply with this chapter.

Section 609a.3 (relating to application and verification procedures for granting credit) contains the information that must be included in an application for credit filed by a patron and the procedures that the certificate holder shall follow to verify the information submitted by the patron including insuring that the patron is not on the voluntary credit suspension list, the self-exclusion list or the list of persons required to be excluded.

Section 609a.4 (relating to approval of credit limits) sets forth the requirements regarding the approval of



credit including: who is authorized to approve credit; what information shall be included in the patron's credit file regarding the approval; and the procedures to be followed when patrons request an increase in their credit limits.

Section 609a.5 (relating to derogatory information; reduction or suspension of credit) permits a certificate holder to reduce or suspend a patron's credit limit at any time. It also addresses a certificate holder's obligations concerning the receipt and reporting of derogatory information, requires the suspension of credit if a patron's check is returned and the procedures that shall be followed before a patron's credit may be reinstated.

Section 609a.6 (relating to additional reverification requirements) requires a certificate holder to verify a patron's credit information if the patron has not used credit within the last 24 months or when the certificate holder has reason to believe that some of the patron's information may have changed.

Section 609a.7 (relating to patron credit transactions) requires that credit transactions be recorded in the patron's credit file and lists the specific information regarding each transaction that must be included.

Section 609a.8 (relating to recordkeeping requirements) sets forth the recordkeeping requirements certificate holders will have to meet regarding Counter Checks and personal checks received for redemption or substitution for Counter Checks. Certificate holders are required to keep a log of all Counter Checks and related personal checks to track the issuance, redemption and substitution of Counter Checks.

Section 609a.9 (relating to voluntary credit suspension list) states that the Board will maintain and distribute to certificate holders a voluntary credit suspension list. This list is required under Act 1 and will contain the names and other relevant identifying information regarding individuals who have elected to be put on the list which will prohibit a certificate holder from extending credit to the individual.

Section 609a.10 (relating to request for voluntary credit suspension) sets forth the procedure an individual shall follow to be placed on the voluntary credit suspension list. To be put on the list, an individual will be required to fill out an application form (Request for Voluntary Credit Suspension) and present government-issued photo identification at a Board office.

Section 609a.11 (relating to reinstatement of credit and removal from the voluntary credit suspension list) sets forth the procedure an individual shall follow to be removed from the voluntary credit suspension list. To be removed from the list, an individual will be required to fill out a form requesting removal (Request for Removal from the Voluntary Credit Suspension List) and present government-issued photo identification. A request for removal from the list shall be submitted at one of the Board's offices.

Section 609a.12 (relating to duties of certificate holders) lists the obligations of certificate holders regarding the voluntary credit suspension list. Certificate holders will be required to do the following: maintain a current copy of the list; suspend the credit of an individual who is placed on the list; record the placement on or removal from the voluntary credit suspension list in a patron's credit file; and disseminate information about the voluntary credit suspension list program to patrons.

Section 609a.13 (relating to requirements for Counter Checks) establishes the specifications for Counter Checks,

which are the forms that are used to effectuate the issuance of credit. Section 609a.14 (relating to issuance and reconciliation of Counter Checks) sets forth the procedures certificate holders shall follow when issuing a Counter Check to a table game or slot patron.

Section 609a.15 (relating to redemption of Counter Checks) specifies the processes that can be used to redeem or partially redeem an outstanding Counter Check (either in person or through the mail) and requires that the redemption or partial redemption be recorded in the patron's credit file.

Section 609a.16 (relating to substitution of Counter Checks) sets forth the provisions governing the substitution of a personal check for a Counter Check. Section 609a.17 (relating to deposit of Counter Checks and personal checks substituted for Counter Checks) establishes the time frames within which an unredeemed Counter Check or personal check that has been substituted for a Counter Check shall be deposited.

Section 609a.18 (relating to collection of returned checks) sets forth the procedures that shall be met regarding a certificate holder's attempts to collect on a Counter Check or personal check that has been returned by the patron's bank.

#### *Explanation of Chapter 611a*

Chapter 611a sets forth the general minimum training or experience requirements that an individual shall have to meet to be a dealer or table games supervisor in this Commonwealth. Dealers will have to be trained in the table games they deal, either at a school or a licensed facility or have at least 6 months previous dealing experience in another jurisdiction. Supervisors shall have at least 2 years of employment as a dealer or table games supervisor (which currently would be out-of-State dealers or supervisors since table games have not been operational for 2 years in this Commonwealth) or 6 months of employment as a dealer within the same licensed facility where the dealer is applying to be a table games supervisor.

Section 611a.2 (relating to minimum proficiency requirements) lists the minimum hours of instruction required for different table games which must be included in the dealer school or certificate holder training programs. It also contains a requirement related to additional training on different game types and training on the proper use and control of dice, cards and tiles.

Section 611a.3 (relating to employee training by certificate holders) lists the areas that each certificate holder shall include as part of its in-house training of employees who are going to be dealers, including a requirement that dealers be trained in CPR, which is consistent with 4 Pa.C.S. § 1702(g) (relating to gaming school gaming equipment). In § 611a.4 (relating to submission of training programs to the Board) certificate holders are required to submit training programs to the Board.

Under § 611a.5 (relating to table test; employee personnel file), certificate holders will be required to have all prospective dealers pass a live table test before the dealers will be permitted to conduct table games on the gaming floor. Additionally, this section requires the certificate holder to document a dealer's training in the dealer's personnel file so that the Board can audit compliance with these requirements.

#### *Affected Parties*

Slot machine licensees that have elected to become certificate holders as well as gaming schools that are

independent of the slot machine licensee will be required to comply with these requirements.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, gaming guides, floor plan changes, internal controls on credit and gaming school curriculum.

#### *Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games rules submissions, gaming guides, internal controls on credit and gaming school curriculum. These reviews will be conducted by existing Bureau of Gaming Operations staff, so the Board does not project that it will incur significant cost increases as a result of this proposed rulemaking.

*Political subdivisions.* This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

*Private sector.* Regarding Chapter 601a, certificate holders will experience minor costs associated with the signage requirements for gaming tables and the production costs associated with the gaming guides. However, the Board does not expect these costs to be significant.

Regarding Chapter 609a, certificate holders that elect to offer credit to patrons will have to develop procedures governing the credit application process and procedures for administering credit and the use of Counter Checks. These procedures will be part of the certificate holder's internal controls which shall be submitted to the Board for approval. Because credit must be interest free, the certificate holder will have to absorb costs regarding the issuance of credit.

Regarding Chapter 611a, this proposed rulemaking will result in additional costs for slot machine licensees that elect to become certificate holders. More specifically, certificate holders that elect to train its dealers in-house are required to hire trainers and purchase training equipment. While these costs are significant, they would vary from facility to facility and will be offset by the revenues generated from the table games.

*General public.* This proposed rulemaking will have no fiscal impact on the general public.

#### *Paperwork Requirements*

This proposed rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, are relatively simple to fill out and are available on the Board's web site.

With regard to table game taxes, this proposed rulemaking and Act 1 require certificate holders to submit supporting documentation on forms prescribed by the Department with their weekly remittance of the tax on table game revenue.

Regarding Chapter 609a, certificate holders that elect to offer credit will be required to submit the paperwork necessary to update their internal controls. This chapter will also require certificate holders to properly account for counter checks and maintain supporting documentation regarding credit transactions.

With respect to Chapter 611a on table game training, a certificate holder that conducts in-house training must submit its curriculum to the Board for approval.

#### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on General Provisions, Credit and Training Standards; Regulation # 125-142.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 265-8356.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 22, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

GREGORY C. FAJT,  
Chairperson

**Fiscal Note:** 125-142. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 58. RECREATION**

## **PART VII. GAMING CONTROL BOARD**

### **Subpart K. TABLE GAMES**

### **CHAPTER 521. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 521 which appears in 58 Pa. Code pages 521-1—521-12, serial pages (352301), (352302), (354763), (354764), (352305), (352306), (354765), (354766) and (352309)—(352312).)

Sec.  
521.1—521.11. (Reserved).

### **CHAPTER 526. (Reserved)**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 526 which appears in 58 Pa. Code pages 526-1—526-21, serial pages (353477), (353478), (350949)—(350956) and (353479)—(353489).)

Sec.  
526.1—526.13. (Reserved).  
526.13a. (Reserved).  
526.14—526.17. (Reserved).

#### CHAPTER 527. (Reserved)

(*Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind Chapter 527 which appears in 58 Pa. Code pages 527-1—527-3, serial pages (348485), (348486) and (349025).)

Sec.  
527.1—527.5. (Reserved).

#### CHAPTER 601a. GENERAL TABLE GAMES PROVISIONS

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##### § 601a.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings unless the context clearly indicates otherwise:

*Ante*—The wager that a player may be required to make prior to any cards being dealt to participate in the round of play.

*Assistant table games shift manager*—An employee of a certificate holder whose primary function is to supervise all of the table games in a licensed facility and who may be authorized to act as the table games shift manager in his absence.

*Automated card shuffling device*—A software compatible mechanical or electronic contrivance that automatically randomizes playing cards, either continuously or on command, to be utilized for table gaming activity.

*Cover card*—An opaque card that is a solid color readily distinguishable from the color of the backs and edges of the playing cards.

*Dealer*—An employee of a certificate holder whose primary function is to directly operate and conduct table games.

*Floorperson*—An employee of a certificate holder whose primary function is to supervise the conduct of table games at multiple tables on the gaming floor.

*Pit clerk*—An employee of a certificate holder whose primary function is to prepare documentation required for the operation of table games, including requests for fills, requests for credits, counter checks or other documents that evidence the exchange of gaming chips.

*Pit manager*—An employee of a certificate holder whose primary function is to supervise all of the table games in one or more gaming pits.

*Plaque*—A rectangular, square or oval marker that can be used instead of value chips.

*Poker shift manager*—An employee of a certificate holder whose primary function is to supervise all of the Poker tables in a Poker room.

*Stub*—The remaining portion of a deck or decks after all cards in a round of play have been dealt.

*Suit*—One of the four categories of cards: clubs, diamonds, hearts or spades.

*Table games shift manager*—An employee of a certificate holder whose primary function is to supervise all of the table game operations in a licensed facility during a shift.

*Table inventory container*—The area of a gaming table where a boxman or dealer keeps gaming chips, coins or plaques used for the operation of a table game.

*Vigorish*—A percentage commission that is taken by a certificate holder from a wager placed by a player or the winnings of a player.

*Washing*—Mixing of a deck or decks of cards or tiles by placing the cards or tiles face down on a table and mixing them around with both hands so that they are in no particular order.

##### § 601a.2. Table games Rules Submissions.

(a) Prior to offering any table game authorized under this subpart, which provides a certificate holder with options for the conduct of the table game, the certificate holder shall submit and obtain approval of a Rules Submission which specifies which options the certificate holder will use in the conduct of the table game.

(b) The initial Rules Submission for any table game and any amendment to the Rules Submission shall be submitted electronically to the Bureau of Gaming Operations using the Rules Submission Request Form posted on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

(c) A certificate holder may implement the provisions in a Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the Rules Submission unless the certificate holder receives written notice under subsection (d) tolling the Rules Submission or written notice of disapproval from the Board's Executive Director.

(d) If during the 15-day review period in subsection (c), the Bureau of Gaming Operations determines that a provision in the Rules Submission is inconsistent with the regulations for the conduct of that table game, the Bureau of Gaming Operations, by written notice to the certificate holder, will:

(1) Specify the nature of the inconsistency and, when possible, an acceptable alternative procedure.

(2) Direct that the 15 calendar day review period in subsection (c) be tolled and that the Rules Submission not be implemented until approved under subsection (e).

(e) When a Rules Submission has been tolled under subsection (d), the certificate holder may submit a revised Rules Submission within 15 days of receipt of the written notice from the Bureau of Gaming Operations. The certificate holder may implement the revised Rules Submission upon receipt of written notice of approval from the Board's Executive Director or on the 15th calendar day following the filing of the revised Rule Submission unless it receives written notice under subsection (d) tolling the revised Rules Submission or written notice of disapproval from the Board's Executive Director.

(f) The current version of each Rules Submission of a certificate holder shall be maintained and made available in electronic form through secure computer access to the internal audit and surveillance departments of the certificate holder and the Board's casino compliance representatives and other Board employees. Each page of the Rules



Submission must indicate the date on which it was approved by the Board's Executive Director.

(g) A certificate holder shall maintain a copy, either in paper or electronic form, of any superseded Rules Submission for a minimum of 5 years.

**§ 601a.3. Request to offer a new table game or new feature for an existing table game.**

A certificate holder that desires to offer a new table game that is not in this subpart or offer a new wager or feature as part of a table game included in this subpart, shall file a written request with the Board's Executive Director. The request, at a minimum, must contain:

(1) A detailed description of the table game or feature including the rules of play and wagering that would be used for the new table game or feature. In addition, the certificate holder shall:

(i) Indicate whether the game is a variation of an authorized game, a composite of authorized games or a new game.

(ii) Provide the true odds, the payout odds and the house advantage for each wager.

(iii) Provide a sketch or picture of the game layout, if any.

(iv) Provide sketches or pictures of the equipment used to play the game.

(2) The reason why the new table game or feature is being proposed.

(3) A list of other gaming jurisdictions where the new table game or feature is currently being offered.

(4) Whether the game, its name or any of the equipment used to play the game is covered by any copyrights, trademarks or patents, either issued or pending.

**§ 601a.4. Waiver of existing table game regulations.**

(a) A certificate holder that desires to conduct a table game in a manner that is inconsistent with the Board's regulations shall file a petition in accordance with § 493a.4 (relating to petitions generally) seeking approval of the Board. The petition, at a minimum, must contain:

(1) A detailed description of the modification to the table game.

(2) The reason why the modification to the table game is being requested.

(3) A list of other gaming jurisdictions where the modification to the table game is currently being used.

(b) Notwithstanding subsection (a), a certificate holder that desires to offer an authorized table game on an electronic gaming table in a manner that is inconsistent with the Board's regulations shall file a written request seeking approval of the Board's Executive Director. The request must contain a detailed description of how the authorized table game played on an electronic gaming table varies from the Board's regulations. An approval to conduct the table game in a manner that is inconsistent with the Board's regulations will be limited to only those variations approved by the Board's Executive Director. Any subsequent alterations to the table game that are inconsistent with the Board's regulations will require submission of an additional written request to the Board's Executive Director or a petition to the Board in accordance with subsection (a).

**§ 601a.5. Electronic, electrical and mechanical devices prohibited.**

Except as specifically permitted by the Board, a person may not possess with the intent to use, or actually use, at any table game, either by himself or in concert with others, any calculator, computer or other electronic, electrical or mechanical device to assist in projecting an outcome at any table game or in keeping track of or analyzing the cards having been dealt, the changing probabilities of any table game, or the playing strategies to be utilized.

**§ 601a.6. Minimum and maximum wagers; additional wagering requirements.**

(a) Certificate holders shall establish minimum and maximum wagers for any authorized table game in a licensed facility.

(b) A certificate holder shall provide notice of the minimum and maximum wagers in effect at each gaming table, and any changes thereto, in accordance with § 601a.7 (relating to rules of the games; notice).

(c) Any wager accepted by a dealer that exceeds the current table maximum or is lower than the current table minimum shall be paid or lost in its entirety in accordance with the rules of the game.

(d) Nothing in this section precludes a certificate holder from establishing additional wagering requirements that are consistent with the rules of the game, such as a requirement that wagers be made in specified increments, provided that the wagering requirements are specified in the rules of the game or in the certificate holder's Rule Submission under § 601a.2 (relating to table games Rules Submissions).

**§ 601a.7. Rules of the games; notice.**

(a) Whenever a certificate holder is required by regulation to provide notice of the rules under which a particular table game will be operated, the certificate holder shall post a sign at the gaming table advising patrons of the rules in effect at that table.

(b) Except as provided in subsection (c), a certificate holder may not change the rules under which a particular table game is being operated unless the certificate holder files and receives approval of an amendment to its Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(c) A certificate holder may change the permissible minimum or maximum wager at a table game:

(1) At any time, if no patrons are playing at the table.

(2) When patrons are playing the game, if the certificate holder:

(i) Provides at least a 30 minute advance notice of the change.

(ii) Posts a sign at the gaming table advising patrons of the change and the time that it will go into effect.

(iii) Announces the change to patrons who are at the table.

(d) The location, size and language of each sign required by this section shall be submitted to and approved by the Bureau of Gaming Operations prior to its use.

**§ 601a.8. Patron access to the rules of the games; gaming guides.**

(a) Each certificate holder shall maintain, at its security podium or other location approved by the Bureau of

Gaming Operations, a printed copy of the complete text of the rules of all authorized games. This information shall be made available to the public for inspection upon request.

(b) Each certificate holder shall make available to patrons upon request a gaming guide which contains an abridged version of the information required to be made available under subsection (a) in a printed format.

(c) The gaming guide required under subsection (b) may not be issued, displayed or distributed by a certificate holder until a sample of the gaming guide has been submitted to and approved by the Bureau of Gaming Operations.

(d) Prior to issuing, distributing or displaying a gaming guide that is materially different from the approved gaming guide, a certificate holder shall submit and obtain approval from the Bureau of Gaming Operations of a sample of the revised gaming guide which contains the changes.

(e) A certificate holder may display an approved gaming guide at any location in its licensed facility.

(f) Each certificate holder shall make the gaming guide required under subsection (b) available on its web site.

**§ 601a.9. Table game taxes and gross table game revenue.**

(a) The tax on table game revenue shall be payable to the Department on a weekly basis and must be based upon the gross table game revenue derived during the previous week reported on forms and in the manner prescribed by the Department.

(b) Gross table game revenue includes the following:

(1) The net revenue from all banking table games including electronic gaming tables which are not fully automated electronic table games.

(2) The net revenue from nonbanking table games.

(3) The net revenue from fully automated electronic table games.

(4) The net revenue from contests or tournaments.

(c) Net revenue from banking table games, including electronic gaming tables which are not fully automated electronic table games, must be the sum of the net revenue determined for each banking table game, which is not a fully automated electronic table game, individually. The net revenue for an individual banking table game which is not a fully automated electronic table game must be equal to the total of paragraphs (1) through (3) minus the total of paragraphs (4) and (5):

(1) The ending inventory of gaming chips at the gaming table as reported on the Table Inventory Slip prepared in accordance with § 607a.13 (relating to procedures for drops at open table games) for a table game that remained open for gaming activity when the table was being dropped at the end of the gaming day or the Table Inventory Slip prepared in accordance with § 607a.14 (relating to procedures for closing table games) for a table game that was closed prior to the end of the gaming day. (*Editor's Note:* Chapter 607a will be adopted on or before the date of final adoption of this proposed rulemaking.)

(2) The sum of all Credit Slips for the gaming table for that gaming day.

(3) The total of the currency and Counter Checks collected from the drop box for that gaming table.

(4) The inventory of gaming chips at the gaming table as reported on the Table Inventory Slip prepared in accordance with § 607a.13 for a table game that remained open for gaming activity when the table was being dropped at the end of the previous gaming day or the Table Inventory Slip prepared in accordance with § 607a.8 (relating to procedures for opening table games) for a table game that was opened during the gaming day. (*Editor's Note:* Chapter 607a will be adopted on or before the date of final adoption of this proposed rulemaking.)

(5) The sum of all Fill Slips for the gaming table for that gaming day.

(d) Net revenue from nonbanking table games shall be the sum of the net revenue determined for each nonbanking table game individually. The net revenue for an individual nonbanking table game shall be equal to the Poker rake recorded in accordance with § 607a.19 or § 607a.20 (relating to procedures for opening, counting and recording the contents of table game drop boxes; and alternate procedures for opening, counting and recording the contents of nonbanking table game drop boxes). (*Editor's Note:* Chapter 607a will be adopted on or before the date of final adoption of this proposed rulemaking.)

(e) Net revenue from fully automated electronic table games shall be the sum of the net revenue determined for each fully automated electronic table game individually. The net revenue for an individual fully automated electronic table game must be equal to the total of paragraphs (1) and (2) minus the total of paragraphs (3) through (8):

(1) The amount recorded on the bill in meter for that gaming day.

(2) The amount recorded on the voucher in-cashable/value meter for that gaming day.

(3) The amount recorded on the coin out meter for that gaming day.

(4) The amount recorded on the fully automated electronic gaming table paid progressive payout meter for that gaming day.

(5) The amount recorded on the attendant paid progressive payout meter for that gaming day.

(6) The amount recorded on the attendant paid jackpots meter for that gaming day.

(7) The amount recorded on the attendant paid cancelled credits meter for that gaming day.

(8) The amount recorded on the voucher out-cashable/value meter for that gaming day.

(f) Net revenue from any contest or tournament must be the sum of the net revenue determined for each contest or tournament individually. The net revenue for an individual contest or tournament must be equal to the sum of all entry fees, buy-ins, re-buy-ins and administrative fees imposed by the certificate holder on the contest or tournament participants, minus:

(1) The cash paid by the certificate holder to the contest or tournament winners as prizes.

(2) The actual cost paid by the certificate holder for noncash prizes awarded to the contest or tournament winners.

(g) If the net revenue from a contest or tournament results in a loss, that loss may not offset the net revenue

from another contest or tournament and may not be deducted from the calculation of gross table game revenue.

(h) Gross table game revenue may not include:

- (1) Counterfeit cash or counterfeit value chips.
- (2) Coins or currency of other countries that is not readily convertible to cash.
- (3) Cash taken in a fraudulent act perpetrated against a certificate holder for which the certificate holder is not reimbursed.

## CHAPTER 609a. CREDIT

Sec.

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### § 609a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Counter Check*—A form provided to a patron who receives a credit advance which contains the account information for the personal checking account designated in the patron's application for credit under § 609a.3(a)(4) (relating to application and verification procedures for granting credit).

*Credit clerk*—An employee of the cage or credit department who is responsible for receiving, processing and verifying the information in credit applications from patrons and who does not have authority to grant credit or credit limit increases.

*Derogatory information*—Information related to a patron's credit accounts that are partially or completely uncollectible, checks returned unpaid by a patron's bank, settlements, liens, judgments or any other credit problems of a patron.

### § 609a.2. Internal control requirements.

Each certificate holder that issues credit shall include procedures in the certificate holder's internal controls to implement the requirements in this chapter.

### § 609a.3. Application and verification procedures for granting credit.

(a) A patron who wants to obtain credit from a certificate holder shall file a credit application with the certificate holder which contains, at a minimum, the following information:

- (1) The patron's name.
- (2) The address of the patron's residence.
- (3) The patron's telephone number.
- (4) Bank account information including:

(i) The name and location of the patron's bank.

(ii) The account number of the patron's personal checking account upon which the patron is individually authorized to draw and upon which all Counter Checks will be drawn. Checking accounts of sole proprietorships shall be considered as personal checking accounts. Partnership or corporate checking accounts will not be considered personal checking accounts.

(5) The credit limit requested by the patron.

(6) The approximate amount of the patron's current indebtedness.

(7) The amount and source of income in support of the requested credit limit.

(8) The patron's signature indicating acknowledgement of the following statement, which must be included at the bottom of the credit application form containing the information required to be submitted under this subsection: "I certify that I have read and understand this application and its terms and I execute this document voluntarily and with full knowledge of its significance. I authorize (insert the name of the certificate holder) to conduct any investigations necessary for the approval of my credit limit. I am aware that this application is required by the regulations of the Pennsylvania Gaming Control Board. I understand that a Counter Check issued by (insert name of certificate holder) is identical to a personal check and may be deposited or presented for payment to my bank or other financial institution. I acknowledge that willfully drawing or passing a credit instrument with the intent to defraud, including knowing there are insufficient funds in my account, is a crime in this Commonwealth that may result in criminal prosecution. I am also aware that providing false or misleading statements or omitting information on this application may subject me to civil or criminal penalties."

(b) Upon receipt of an application for credit, a confidential credit file for that patron containing the information required under subsection (a) shall be prepared by a credit clerk either manually or by computer prior to the certificate holder's approval of a patron's credit limit. Patron credit limits including any changes to the credit limit must be supported by the information contained in the patron's credit file.

(c) Prior to a certificate holder's approval of a patron's credit limit, a credit clerk shall:

(1) Verify the address of the patron's residence. Verification of the address of the patron's residence shall be satisfied by confirming the patron's address with a credit bureau or bank. If neither of these sources has the patron's address on file or will not provide the information, the credit clerk may use an alternative source which may not include any identification credentials or other documentation presented by the patron at the licensed facility. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. Verification of the patron's address may be performed telephonically.

(2) Verify the patron's current casino credit limits and outstanding balances, which includes the following:

(i) The date each of the patron's casino credit accounts was established.

(ii) The amount of the current approved credit limits at other casinos.



(iii) The current balance and status of the patron's credit account at each casino including checks deposited by a casino that have not yet cleared the bank and any derogatory information.

(iv) Verification of information required under subparagraphs (i)—(iii) shall be performed through a casino credit bureau and, if appropriate, through direct contact with other casinos. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. If casino credit information relating to the patron is not available from these sources, this fact shall be noted in the patron's credit file. The verification may be performed telephonically prior to the credit approval provided the credit clerk requests written documentation of the information as soon as possible and includes written documentation of the request in the patron's credit file. Requests for written documentation shall be maintained in the patron's credit file until the documentation is obtained.

(3) Verify the patron's outstanding indebtedness. Verification of the patron's outstanding indebtedness shall be performed by contacting a consumer credit bureau, which is reasonably likely to possess information concerning the patron, and a casino credit bureau to determine whether the applicant has any liabilities or if there is any derogatory information concerning the patron's credit history. If contact with a consumer and casino credit bureau is not immediately possible, the credit clerk may use an alternative source which has made the required contact. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. If either one or both of these credit bureaus do not have information relating to a patron's outstanding indebtedness, this fact shall be recorded in the patron's credit file. The verification may be performed telephonically prior to the credit approval provided the credit clerk requests written documentation of the information obtained as soon as possible and includes written documentation of the request in the patron's credit file. Requests for written documentation shall be maintained in the patron's credit file until the documentation is obtained.

(4) Verify the patron's personal checking account information which includes, but is not limited to, the following:

- (i) Account number.
- (ii) Date the account was opened.
- (iii) Average balance of the account for the last 3 months.
- (iv) Current balance in the account.
- (v) Whether the patron can sign individually on the account.
- (vi) Name and title of the person supplying the information.
- (vii) Verification of information required under subparagraphs (i)—(vi) shall be performed by the credit clerk or a bank verification service directly with the patron's bank. A bank verification service utilized by a certificate holder may make use of another bank verification service to make direct communication with the patron's bank. If the information is not immediately available, the credit clerk may use an alternative source. The credit clerk shall record the source of verification and the method by which the verification was performed in the patron's credit file. The verification may be performed telephonically prior to the credit approval provided the credit clerk

or bank verification service requests written documentation of the information obtained as soon as possible and the request for written documentation is included in the patron's credit file. Requests for written documentation shall be maintained in the patron's credit file until the documentation is obtained. If a bank verification service is used as a primary source of verification, either directly by a certificate holder or by another bank verification service, each service and the certificate holder shall record the date that the patron's personal checking account information was obtained from the bank by the service.

(5) Verify that the patron's name is not on:

(i) The master list of individuals who have voluntarily requested suspension of credit privileges under § 609a.9 (relating to voluntary credit suspension list).

(ii) The list of individuals who have voluntarily placed themselves on the self-exclusion list under Chapter 503a (relating to self-exclusion).

(iii) The list of individuals who have been placed on the exclusion list under Chapter 511a (relating to persons required to be excluded).

(d) Verifications performed by a credit clerk under subsection (c), which are required to be recorded in the patron's credit file, must be accompanied by the signature of the credit clerk who performed the required verifications or filed the relevant information. The date and time of the signature of the credit clerk shall be recorded either electronically or manually contemporaneously with the verification.

(e) A certificate holder may only request credit information concerning a patron from another certificate holder if the patron has credit or has applied for credit with the certificate holder. When requesting credit information on a patron from another certificate holder, the requesting certificate holder shall provide the patron's name, address of the patron's residence and the name and location of the patron's bank with the request. Upon receipt of this information, the certificate holder receiving the request shall furnish to the requesting certificate holder any credit information in its possession concerning the patron.

(f) Unless a patron has already established a patron signature file under § 465a.20(c) (relating to personal check cashing), a patron who has been approved for credit may not be issued a Counter Check until the certificate holder has established a signature file for the patron in accordance with § 465a.20(c).

#### **§ 609a.4. Approval of credit limits.**

(a) A credit limit, and any changes thereto, shall be approved by either:

(1) Two or more employees holding the job positions of credit manager, assistant credit manager, credit shift manager, credit executive or other key employee in a direct reporting line above the credit manager.

(2) A credit committee composed of at least two of the employees in paragraph (1) which may approve credit as a group.

(b) The approval of credit shall be recorded in the patron's credit file and include:

(1) Other information used to support the credit limit and any changes thereto, including the source of the information, if the information is not otherwise required to be recorded under this section.

(2) A brief summary of the key factors relied upon in approving or reducing the requested credit limit and any changes thereto.

(3) If derogatory information was obtained during the verification process, the reason credit was approved.

(4) The signatures of the employees approving the credit limit, together with the date and time of the authorization, shall be recorded before any actual extension of credit is tendered. A certificate holder may obtain verbal authorization from one of the employees required to approve credit limits provided that the date and time that the verbal authorization was given is noted in the patron's credit file. Upon arrival at the licensed facility, the employee who verbally approved a patron's credit limit shall sign and date the patron's credit file.

(c) Prior to approving a credit limit increase, an employee of the certificate holder's credit department shall:

(1) Obtain a written request from the patron which includes:

- (i) The date and time of the patron's request.
- (ii) The amount of credit limit increase requested by the patron.
- (iii) The signature of the patron.

(2) Reverify the patron information required under § 609a.3(c) (relating to application and verification procedures for granting credit).

(3) Consider the patron's player rating based on a continuing evaluation of the amount and frequency of play subsequent to the patron's initial receipt of credit.

(4) Include the information and documentation required under paragraphs (1)—(3) in the patron's credit file.

**§ 609a.5. Derogatory information; reduction or suspension of credit.**

(a) A certificate holder may reduce or suspend a patron's credit limit at any time.

(b) Derogatory information concerning a patron's credit account shall be reported by each certificate holder on a daily basis to the casino credit bureau used by the certificate holders. Each certificate holder shall request written documentation of any derogatory information pertaining to its patrons to be reported to that certificate holder on a daily basis by the casino credit bureau used by the certificate holders. Documentation obtained from the casino credit bureau shall be maintained in the patron's credit file.

(c) Whenever derogatory information is received by a certificate holder's credit department relating to the patron's continued creditworthiness other than a returned check, the certificate holder's credit department shall reverify the patron's address, current casino credit limits and outstanding balances, outstanding indebtedness, and personal checking account information, as required under § 609a.3(c)(1)—(4) (relating to application and verification procedures for granting credit).

(d) A patron having a check returned to any certificate holder unpaid by the patron's bank shall have credit privileges suspended unless the returned check was due to a bank error and the error is noted in the patron's credit file or until the returned check has been paid in full.

(e) If a patron's credit privileges have been suspended, the certificate holder's credit department shall reverify

the patron's address, current casino credit limits and outstanding balances, outstanding indebtedness and personal checking account information, as required under § 609a.3(c)(1)—(4), before reinstating the patron's credit privileges.

**§ 609a.6. Additional reverification requirements.**

(a) Prior to the issuance of credit to a patron whose credit file has been inactive for a 24-month period, the certificate holder's credit department shall:

(1) Reverify the patron's address, current casino credit limits and outstanding balances at other casinos, outstanding indebtedness and personal checking account information, as required under § 609a.3(c)(1)—(5) (relating to application and verification procedures for granting credit).

(2) Verify that the patron is not on the list of patrons who have requested suspension of their credit privileges under § 609a.9 (relating to voluntary credit suspension list).

(3) Verify that the patron is not on the list of individuals who are on the self-exclusion list under Chapter 503a (relating to self-exclusion).

(4) Verify that the patron is not on the exclusion list under Chapter 511a (relating to persons required to be excluded).

(b) The certificate holder's credit department shall reverify the information required under § 609a.3(a)(2) and (4), in accordance with the procedures in § 609a.3(c)(1) and (4), whenever the certificate holder has reason to believe that this information has changed.

**§ 609a.7. Patron credit transactions.**

Transactions affecting a patron's outstanding indebtedness to the certificate holder shall be recorded in chronological order in the patron's credit file. Credit transactions shall be recorded separately from transactions related to customer deposits under § 465a.23 (relating to customer deposits). The following information shall be included:

(1) The date, amount and check number of each Counter Check accepted from the patron.

(2) The date, method, amount and, if applicable, the personal check number of each redemption transaction and the check number of the Counter Check returned to the patron.

(3) The date, amount and check number of each personal check used for a substitution transaction and the check number of the Counter Check returned to the patron.

(4) The date, amount and check number of each Counter Check deposited.

(5) The date, amount and check number of each personal check or Counter Check returned to the certificate holder by the patron's bank and the reason for its return.

(6) The outstanding balance after each transaction.

(7) The date, amount and check number of any Counter Checks or personal checks that have been partially or completely written off by the certificate holder, and a brief explanation of the reason for the write off.

**§ 609a.8. Recordkeeping requirements.**

(a) A log of Counter Checks exchanged and of personal checks received for redemption or substitution shall be

prepared, manually or by computer, on a daily basis. The log must include, at a minimum, the following:

(1) The balance of the Counter Checks on hand in the cashier's cage at the beginning of each shift.

(2) For Counter Checks initially accepted and for personal checks received for redemption or substitution:

(i) The date of the check.

(ii) The name of the drawer of the check.

(iii) The amount of the check.

(iv) The serial number for each Counter Check received.

(v) An indication as to whether the check was initially accepted or received in a redemption or substitution.

(3) For Counter Checks deposited, redeemed by patrons with cash, cash equivalents, gaming chips and plaques, or any combination thereof, or substituted:

(i) The date on which the Counter Check was deposited, redeemed or substituted.

(ii) The name of the drawer of the Counter Check.

(iii) The amount of the Counter Check.

(iv) The serial number for each Counter Check deposited, redeemed or substituted.

(v) An indication as to whether the Counter Check was deposited, redeemed or substituted.

(4) The balance of the Counter Checks on hand at the end of each shift.

(b) A list of all Counter Checks on hand, and of all personal checks received for redemption or substitution shall be prepared, manually or by computer, on a monthly basis and include the following:

(1) The date of the check.

(2) The name of the drawer of the check.

(3) The amount of the check.

(4) The serial number for each Counter Check received.

(c) At the end of each gaming day, the following procedures shall be performed:

(1) The daily total of the amounts of Counter Checks initially recorded as described in subsection (a)(2) shall be reconciled to the daily total of Counter Checks issued.

(2) The daily total of the checks indicated as deposited on a log required under subsection (a)(3) shall be reconciled to the bank deposit slips corresponding to the checks by employees with no incompatible functions.

(3) The balance required under subsection (a)(4) shall be reconciled to the total of the Counter Checks on hand in the cashiers' cage.

#### **§ 609a.9. Voluntary credit suspension list.**

(a) The Board will maintain a voluntary credit suspension list of all individuals who have requested suspension of credit privileges and will provide a current list of these individuals to the credit department of each certificate holder.

(b) The list provided to certificate holders must contain the following information for each individual on the list:

(1) The individual's name, including any aliases or nicknames.

(2) The individual's address.

(3) The individual's date of birth.

(c) Information furnished to or obtained by the Board or a certificate holder under this chapter will be deemed confidential and may not be disclosed except in accordance with this chapter.

#### **§ 609a.10. Request for voluntary credit suspension.**

(a) An individual may request the suspension of the individual's credit privileges at all licensed facilities by submitting, in person, a completed Request for Voluntary Credit Suspension Form to the Board. A submission to the Board may be made at the Board's office at a licensed facility, at the Board's Harrisburg office or one of the Board's regional offices.

(b) The Request for Voluntary Credit Suspension Form shall also include the following statement: "I certify that I have read and understand this request to be placed on the voluntary credit suspension list and that I knowingly and voluntarily execute this document. I am aware that my signature below authorizes the Pennsylvania Gaming Control Board to direct all Pennsylvania certificate holders to suspend my credit privileges until such time as I submit a written request to the Board for the reinstatement of my credit privileges. I also understand that under § 13A27(i) of the Pennsylvania Race Horse Development and Gaming Act, all certificate holders shall not be liable for any claims, damages, losses, expenses or for any harm, monetary or otherwise, that may arise as a result of the failure of a certificate holder to restore credit privileges to me or otherwise permit me to engage in gaming activity in the licensed facility while on the voluntary credit suspension list."

(c) An individual requesting to be placed on the voluntary credit suspension list will be required to present a government-issued photo identification containing the person's signature and photograph when the individual submits the Request for Voluntary Credit Suspension Form.

#### **§ 609a.11. Reinstatement of credit and removal from the voluntary credit suspension list.**

(a) An individual on the voluntary credit suspension list may, at any time, request removal from the voluntary credit suspension list by submitting a Request for Removal from the Voluntary Credit Suspension List Form to the Board. The request may be made at the Board's office at a licensed facility, at the Board's Harrisburg office or one of the Board's regional offices.

(b) The Request for Removal from the Voluntary Credit Suspension List Form must also include the following statement: "I certify that I have read and understand this request to be removed from the voluntary credit suspension list and that I knowingly and voluntarily execute this document. I am aware that my signature below will result in the Pennsylvania Gaming Control Board notifying all Pennsylvania certificate holders that I have been removed from the voluntary credit suspension list."

(c) An individual requesting to be removed from the voluntary credit suspension list will be required to present a government-issued photo identification containing the person's signature and photograph when the individual submits the Request for Removal from the Voluntary Credit Suspension List Form.

(d) Within 3 business days after the Request for Removal from the Voluntary Credit Suspension List Form is signed, the Board will delete the name of the individual from the voluntary credit suspension list and will notify each certificate holder of the removal.



**§ 609a.12. Duties of certificate holders.**

(a) A certificate holder shall maintain a copy of the voluntary credit suspension list and ensure that the copy of the list is updated within 24 hours after the certificate holder receives an updated list from the Board.

(b) A certificate holder shall immediately suspend the credit privileges of any individual who has a credit account with the certificate holder upon receipt of notice that the individual has been added to the voluntary credit suspension list.

(c) If an individual has an existing credit file, the certificate holder shall note any voluntary credit suspension or removal from the voluntary credit suspension list in the credit file. A copy of the applicable Board notice of the voluntary suspension or removal from the voluntary credit suspension list and the date, time and signature of the credit department representative making the suspension or removal entry shall be included in the individual's credit file.

(d) Upon receipt of notice that an individual's name has been removed from the voluntary credit suspension list, the certificate holder may reinstate the individual's credit after reverifying the information as required under § 609a.3(c) (relating to application and verification procedures for granting credit).

(e) A certificate holder shall establish procedures to ensure that an individual who is on the voluntary credit suspension list is not granted casino credit.

(f) Certificate holders shall disseminate written materials to patrons explaining the voluntary credit suspension program.

**§ 609a.13. Requirements for Counter Checks.**

(a) Counter Checks must be serially prenumbered forms. Each series of Counter Checks shall be used in sequential order and the series numbers of all Counter Checks received by a certificate holder shall be accounted for by employees with no incompatible functions.

(b) The original and all copies of void Counter Checks shall be marked "VOID" and require the signature of the individual who marked the Counter Check as void.

(c) For Counter Checks that are manually prepared:

(1) The Counter Checks must be a five-part form which consists of an original, a redemption copy, an accounting copy, an issuance copy and an acknowledgement copy.

(2) Counter Checks must be attached in a book that will:

(i) Permit an individual to write on the original copy of the Counter Check and all of the other copies simultaneously, while still contained in the book.

(ii) Allow the removal of the original and all duplicate copies.

(3) Access to the Counter Checks shall be maintained and controlled at all times by the finance department employees responsible for the control of and accounting for the unused supply of Counter Checks, and the table games department employees responsible for the preparation of Counter Checks for a patron's signature.

(d) For Counter Checks that are prepared by computer:

(1) The Counter Checks must be a four-part form which consists of an original, a redemption copy, an issuance copy and an accounting copy.

(2) The Counter Checks shall be inserted in a printer that will simultaneously print an original and the other copies.

(3) The information printed on the original Counter Check and the other copies shall be stored in machine-readable form. The stored data must not be susceptible to change or removal by any personnel after preparation of a Counter Check.

**§ 609a.14. Issuance and reconciliation of Counter Checks.**

(a) A certificate holder may issue Counter Checks in exchange for:

(1) Value chips or plaques provided to a patron at a gaming table.

(2) Cash or gaming voucher provided to a slot patron at the cashier's cage or at a slot machine.

(b) For a Counter Check exchanged for value chips or plaques at a gaming table, a pit clerk or above shall:

(1) Verify the patron's identity by either:

(i) Obtaining the patron's signature, on a form, which shall be compared to the signature contained within a patron signature file. The pit clerk or above shall sign the form indicating that the signature of the patron on the form appears to agree with the signature in the patron signature file. The form shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department. After the patron's identity has been verified by the pit clerk or above, the requirements for subsequent verification of the patron's identity during the same shift and in the same gaming pit may be satisfied by the employee who performed the initial verification signing a form attesting to the patron's identity before each subsequent Counter Check is exchanged. The form must include the patron's name and the serial number of the initial Counter Check exchanged by the patron. The form shall be attached to the accounting copy of the subsequent Counter Check prior to forwarding the accounting copy to the accounting department.

(ii) Obtaining the attestation of a floorperson or above as to the identity of the patron. The floorperson or above shall record his Board credential number and sign a form or the Counter Check attesting to the patron's identity. If the form is used, it shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department.

(2) Determine the patron's remaining credit limit from the cashier's cage or casino management system.

(3) Prepare the Counter Check for the patron's signature by recording or by electronically inputting, the following information:

(i) The name of the patron exchanging the Counter Check.

(ii) The current date and time.

(iii) The amount of the Counter Check expressed in numerals.

(iv) The game and table number.

(v) The signature of the floorperson or above authorizing acceptance of the check.

(vi) The signature of the preparer or, if computer prepared, the identification code of the preparer.



(4) Place an impression on the back of the original Counter Check a restrictive endorsement "for deposit only" to the certificate holder's bank account.

(5) Present the original and all duplicate copies of the Counter Check to the patron for signature.

(6) Receive the signed Counter Check directly from the patron. The issuance copy of the Counter Check shall then be immediately given to the dealer or boxperson to be exchanged for value chips or gaming plaques. A certificate holder may allow a dealer or boxperson to give the patron value chips or gaming plaques before the patron has signed the Counter Check if the certificate holder includes procedures in the certificate holder's internal controls to verify the patron's identity and available credit limit prior to giving the patron the value chips or gaming plaques.

(i) The original, redemption and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transported to the cashiers' cage where the original and redemption copies shall be maintained and controlled by the cage cashier designated to act as the check bank cashier.

(ii) The accounting copy of the Counter Check shall be maintained and controlled by the pit clerk or above until forwarded to the accounting department as required under subsection (g).

(iii) The issuance copy of the Counter Check shall be deposited by the dealer or boxperson in the drop box.

(c) For a Counter Check exchanged by a slot player for cash or gaming voucher at the cage, a cage cashier shall:

(1) Verify the patron's identity by either:

(i) Obtaining the slot patron's signature, on a Counter Check Request Form, which shall be compared to the signature contained within a patron signature file. The cage cashier shall sign the form indicating that the signature of the patron on the form appears to agree with the signature in the patron signature file. The form shall be attached to the accounting copy of the Counter Check exchanged by the slot patron prior to forwarding it to the accounting department.

(ii) Obtaining the attestation of a cage supervisor as to the identity of the patron. The cage supervisor shall record his Board credential number and sign a form or the Counter Check attesting to the patron's identity. If the form is used, it shall be attached to the accounting copy of the Counter Check exchanged by the patron prior to forwarding it to the accounting department.

(2) Determine the slot patron's remaining credit limit.

(3) Prepare the Counter Check for the slot patron's signature by recording or by electronically inputting the following information:

(i) The name of the slot patron exchanging the Counter Check.

(ii) The current date and time.

(iii) The amount of the Counter Check expressed in numerals.

(iv) The signature of the cage supervisor authorizing acceptance of the check.

(v) The signature of the preparer or, if computer prepared, the identification code of the preparer.

(4) Place an impression on the back of the original Counter Check a restrictive endorsement "for deposit only" to the certificate holder's bank account.

(5) Present the original and all duplicate copies of the Counter Check to the slot patron for signature.

(6) Receive the signed original and all duplicate copies of the Counter Check directly from the slot patron.

(i) The original, redemption and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transferred to the cage cashier designated to act as the check bank cashier who shall maintain and control the original and redemption copies.

(ii) The accounting copy of the Counter Check shall be maintained and controlled by the cage cashier until forwarded to the accounting department as required under subsection (g).

(iii) The issuance copy of the Counter Check shall be exchanged for cash or gaming voucher and shall be maintained by the cage cashier in the impress fund.

(d) A certificate holder may also issue a Counter Check to a slot patron directly at a slot machine, provided the following procedures and requirements are followed:

(1) A slot supervisor shall obtain the amount of the requested Counter Check and the patron's signature on a two-part Counter Check Request Form and transport both copies of the Counter Check Request Form directly to the cage cashier. The cage cashier shall verify the slot patron's signature in accordance with subsection (c)(1)(i).

(2) Once the slot patron's signature has been verified, the cage cashier shall prepare the Counter Check in accordance with subsection (c)(2), (3) and (4).

(3) The cage cashier shall sign the Counter Check as the preparer of the Counter Check and shall present the original and all duplicate copies of the Counter Check, the original and duplicate copy of the request form and the cash or gaming voucher in the amount of the Counter Check to the slot supervisor.

(4) The slot supervisor shall verify the cash or gaming voucher against the amount recorded on the Counter Check and the request form. If in agreement, the slot supervisor shall sign the original and duplicate copy of the request form and return the duplicate copy of the request form to the cage cashier.

(5) The cage cashier shall retain the duplicate copy of the request form as evidence of the slot supervisor's receipt of the Counter Check and the cash or gaming voucher.

(6) Once the cash or gaming voucher has been verified, the funds shall be transported, along with the original request form and the original and all copies of the Counter Check, to the slot patron by the slot supervisor in the presence of a security department employee.

(7) The slot supervisor shall present the original and all duplicate copies of the Counter Check to the slot patron for signature.

(8) Upon receiving the signed original and all duplicate copies of the Counter Check from the slot patron, the security department employee shall verify the slot patron's signature on the original Counter Check against the patron's signature on the original request form. If in agreement, the cash or gaming voucher shall be immediately given to the slot patron. Cash or gaming vouchers may not be given to the slot patron prior to the receipt of the signed Counter Check from the patron.

(9) Once the slot patron has received the cash or gaming voucher, the security department employee shall

sign the back of the accounting copy of the Counter Check as a witness to the transfer of funds to the slot patron in exchange for the signed Counter Check from the patron. The accounting copy of the Counter Check shall be maintained and controlled by the slot supervisor until forwarded to the accounting department as required under subsection (g).

(10) The security department employee shall immediately return the original, redemption, issuance and acknowledgement copies of the Counter Check to the cage cashier. The cage cashier shall attach the duplicate of the request form to the issuance copy of the Counter Check and maintain them in the impress fund.

(11) The original, redemption and, if applicable, the acknowledgement copies of the Counter Check shall be expeditiously transferred to the cage cashier designated to act as the check bank cashier who shall maintain and control the original and redemption copies.

(e) The cage cashier designated to act as the check bank cashier shall sign and time stamp the acknowledgement copy of the Counter Check and expeditiously return it to the pit clerk or slot supervisor by means of a security department employee or to the cage cashier. The check bank cashier shall maintain the original and redemption copies of the Counter Check.

(f) The acknowledgement copy of the Counter Check returned to the pit clerk, slot supervisor or the cage cashier shall be reconciled with the accounting copy and maintained and controlled by the pit clerk, slot supervisor or cage cashier until forwarded to the accounting department as required under subsection (g).

(g) At the end of each gaming day the following procedures and requirements shall be observed:

(1) The original and all copies of voided Counter Checks shall be forwarded to the accounting department.

(2) The accounting and acknowledgement copies of Counter Checks retained by the pit clerk, slot supervisor or cage cashier shall be forwarded to the accounting department for agreement with the issuance copy of the Counter Check removed from the drop box or cage cashier's impress fund.

(3) The redemption copy of a Counter Check shall be forwarded to the accounting department subsequent to the redemption or deposit of the original Counter Check for agreement with the accounting and issuance copies of the Counter Check or stored data.

#### **§ 609a.15. Redemption of Counter Checks.**

(a) A patron may redeem or partially redeem a Counter Check that has not been deposited by exchanging cash, cash equivalents, a check issued by the slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, in an amount less than or equal to the amount of the Counter Check being redeemed.

(b) When a patron elects to redeem or partially redeem a Counter Check that has not been deposited by exchanging a personal check for the Counter Check being redeemed, the personal check must meet one of the following conditions:

(1) The personal check must be drawn on the bank account in patron's credit file upon which all Counter Checks are to be drawn.

(2) The validity of the personal check shall be verified directly with the financial institution upon which the personal check is drawn.

(3) An authorization and guarantee of the personal check shall be obtained from a check verification and warranty service that is a registered or certified gaming service provider.

(c) The \$2,500 per day limitation on acceptance of personal checks in § 465a.20(b)(6) (relating to personal check cashing) does not apply to the redemption or partial redemption of Counter Checks.

(d) If a patron has more than one unredeemed Counter Check, the most recently dated Counter Check shall be redeemed or partially redeemed first.

(e) Except as provided in subsection (h), a patron shall initiate all redemptions or partial redemptions at the cashier's cage.

(f) When a patron redeems a Counter Check at the cashiers' cage, the cage cashier shall verify the identity of the patron and, after receiving the cash, cash equivalents, a check issued by the slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, shall return the original Counter Check to the patron.

(g) When a patron partially redeems a Counter Check at the cashiers' cage, the cage cashier shall verify the identity of the patron and, after receiving the cash, cash equivalents, a check issued by the slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, shall prepare a replacement Counter Check for the unredeemed balance. The replacement Counter Check shall be dated with the date of the Counter Check being redeemed. After the replacement Counter Check has been completed, the Counter Check being redeemed shall be returned to the patron.

(h) A patron may redeem a Counter Check by mail by sending a written request and cash equivalents, a check issued by the slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, to the certificate holder. When a patron uses a personal check to redeem a Counter Check by mail, the personal check must meet one of the conditions in subsection (b).

(i) When a patron redeems a Counter Check by mail, the identity of the patron shall be verified by comparing the signature on the patron's written redemption request to the signature in the patron's signature file created under § 465a.20(c) or § 609a.3(f) (relating to application and verification procedures for granting credit) and, after receiving the cash, cash equivalents, a check issued by the slot machine licensee to the patron, value chips, gaming plaques or any combination thereof, shall mark the original Counter Check "void" and mail it to the address in the patron's credit file.

(j) Any redemption or partial redemption of a Counter Check shall be recorded in the patron's credit file.

#### **§ 609a.16. Substitution of Counter Checks.**

(a) A patron may substitute a personal check for a Counter Check if any of the following apply:

(1) The personal check is drawn on the bank account in patron's credit file upon which all Counter Checks are to be drawn.

(2) The validity of the personal check is verified directly with the financial institution upon which the personal check is drawn.

(3) An authorization and guarantee of the personal check is obtained from a check verification and warranty service that is a registered or certified gaming service provider.

(b) The \$2,500 per day limitation on acceptance of personal checks in § 465a.20(b)(6) (relating to personal check cashing) does not apply to the substitution of Counter Checks.

(c) A patron shall initiate all substitutions at the cashier's cage.

(d) When a patron substitutes a personal check for a Counter Check, the cage cashier shall verify the identity of the patron and, after receiving the patron's personal check, shall return the original Counter Check to the patron.

(e) A personal check that is being substituted for a Counter Check shall be dated with the same date as the Counter Check for which it is being substituted.

(f) Any substitution of a Counter Check shall be recorded in the patron's credit file.

**§ 609a.17. Deposit of Counter Checks and personal checks substituted for Counter Checks.**

(a) Counter Checks and personal checks that have been substituted for Counter Checks shall be deposited in accordance with the time periods established in the certificate holder's internal controls. The time periods established by a certificate holder may not exceed:

(1) Fifteen days after the date of the Counter Check or the date on the personal check that has been substituted for the Counter Check if the amount of the check is less than \$5,000.

(2) Thirty days after the date of the Counter Check or the date on the personal check that has been substituted for the Counter Check if the amount of the check is \$5,000 or more.

(b) If the last day of a time period specified in subsection (a) falls on a Saturday, Sunday or Federal or State holiday, the time period shall run until the next business day.

(c) Notwithstanding subsection (a), a certificate holder may extend the deposit date up to an additional 15 days beyond the date specified in the certificate holder's internal controls for good cause. The length of the extension and the reason for the extension shall be recorded in the patron's credit file.

**§ 609a.18. Collection of returned checks.**

(a) A certificate holder may designate specific employees with no incompatible functions, including the certificate holder's general counsel or an outside attorney, to engage in efforts to collect Counter Checks or personal checks returned by a patron's bank.

(b) A certificate holder, and any outside attorney acting on behalf of the certificate holder, that is engaged in efforts to collect returned checks shall comply with all applicable Federal and State laws pertaining to debt collection including, but not limited to, the Fair Debt Collection Practices Act (15 U.S.C.A. §§ 1692—1692p), the Fair Credit Extension Uniformity Act (73 P.S. §§ 2270.1—2270.5) and the Unfair Trade Practices and Consumer Protection Law (73 P.S. §§ 201-1—210-6).

(c) The certificate holder shall include in the patron's credit file copies of all statements and other documents supporting collection efforts.

(d) The certificate holder shall maintain records, for the Board's inspection, that describe credit collection arrangements and any written contracts entered into with an outside attorney engaged in efforts to collect

Counter Checks or personal checks returned by a patron's bank on behalf of the certificate holder.

**CHAPTER 611a. TABLE GAME MINIMUM TRAINING STANDARDS**

Sec.

- 611a.1. Minimum training standards for dealers; minimum experience requirements for supervisors.
- 611a.2. Minimum proficiency requirements.
- 611a.3. Employee training by certificate holders.
- 611a.4. Submission of training programs to the Board.
- 611a.5. Table test; employee personnel file.

**§ 611a.1. Minimum training standards for dealers; minimum experience requirements for supervisors.**

(a) When filing an application to obtain an occupational permit under § 435a.3 (relating to occupation permit) to work as a dealer in any of the table games authorized in this subpart, the applicant shall provide proof of at least one of the following:

(1) Satisfactory completion of a course of curriculum related to the dealing of table games within the last 5 years which meets the minimum proficiency requirements of § 611a.2 (relating to minimum proficiency requirements) at a gaming school, as defined in section 1103 of the act (relating to definitions), or an equivalent curriculum at a gaming school approved by another jurisdiction's state educational authority or gaming regulatory body, to provide training related to the dealing of table games.

(2) Satisfactory completion of a training program offered by a certificate holder which includes a curriculum related to the dealing of table games which meets the minimum proficiency requirements of § 611a.2.

(3) At least 6 months of employment as a dealer within the last 5 years in another gaming jurisdiction.

(b) When filing an application to obtain an occupational permit under § 435a.3 to work as a floorperson or above, the applicant shall provide proof of at least one of the following:

(1) Two years of employment as a dealer or table games supervisor within the last 10 years.

(2) Six months of employment as a dealer within the same licensed facility where the dealer is applying to be a floorperson or above.

(c) A certificate holder may file a request seeking approval from the Board's Executive Director for a dealer or supervisor who does not meet the minimum training or experience requirements in subsection (a) or (b). The Executive Director may condition the approval on the completion of additional training.

**§ 611a.2. Minimum proficiency requirements.**

(a) A curriculum related to the conduct of table games offered by a gaming school or by a certificate holder must, at a minimum, include:

(1) The following minimum hours of instruction on the conduct of table games in accordance with the regulations in Subpart K (relating to table games):

<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Blackjack and other banked card games	100 hours over a 5-week period, at least 80 hours of which shall be in Blackjack
Craps and Mini-Craps	160 hours over a 6-week period



<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Baccarat and Minibaccarat	80 hours over a 4-week period
Poker	80 hours over a 4-week period
Roulette	80 hours over a 4-week period
Pai Gow Tiles	160 hours over a 6-week period
Pai Gow Poker	80 hours over a 4-week period

(2) The proper use, control and shuffling of playing cards for authorized games that involve the use of cards.

(3) The proper use and control of dice for authorized games that involve the use of dice.

(4) The proper use and control of tiles for authorized games that involve the use of tiles.

(b) A dealer who has completed a course of training in accordance with subsection (a) and would like to be trained to deal a different game type shall complete the minimum hours of instruction required for the different game type and successfully complete the table test required under § 611a.5 (relating to table test; employee personnel file). For example, if a dealer has completed the 100 hours of instruction in Blackjack, the dealer shall complete an additional 160 hours of instruction before dealing Craps, Mini-Craps or Pai Gow Tiles or an additional 80 hours of instruction before dealing Roulette.

#### **§ 611a.3. Employee training by certificate holders.**

A certificate holder shall develop a training program for its dealers which, at a minimum, includes training in each of the following:

(1) Procedures for opening and closing tables for gaming, including the proper security procedures regarding table chip inventories.

(2) Procedures for distributing and removing gaming chips and plaques from gaming tables.

(3) Procedures for accepting cash at gaming tables.

(4) Procedures for the acceptance of tips and gratuities from patrons.

(5) Procedures for shift changes at gaming tables.

(6) Procedures for the proper placement of wagers by patrons and the proper collection of losing wagers and payment of winning wagers.

(7) Training in recognizing problem and compulsive gamblers at table games and procedures for informing supervisory personnel.

(8) Training in cardio pulmonary resuscitation (CPR).

#### **§ 611a.4. Submission of training programs to the Board.**

A certificate holder shall submit a detailed summary of its curriculum developed in accordance with § 611a.2 (relating to minimum proficiency requirements) and its employee training program developed in accordance with § 611a.3 (relating to employee training by certificate holders) to the Board to demonstrate the adequacy of the training in accordance with section 13A23 of the act (relating to training of employees and potential employees).

#### **§ 611a.5. Table test; employee personnel file.**

(a) Prior to conducting any table game on the certificate holder's gaming floor, a prospective dealer shall pass a table test on the table games that the dealer will be conducting. The table test must consist of the dealer demonstrating proficiency at the table game to the satisfaction of an employee of the certificate holder at the level of pit manager or higher.

(b) A certificate holder shall document the following in a dealer's personnel file:

(1) Completion of the minimum training or experience required under § 611a.1 (relating to minimum training standards for dealers; minimum experience requirement for supervisors).

(2) Completion of the training program required under § 611a.3 (relating to employee training by certificate holders).

(3) Successful completion of the table test required under subsection (a).

[Pa.B. Doc. No. 11-560. Filed for public inspection April 1, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective March 16, 2011.

The organization chart at 41 Pa.B. 1785 (April 2, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 11-561. Filed for public inspection April 1, 2011, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective March 16, 2011.

The organization chart at 41 Pa.B. 1786 (April 2, 2011) is published at the request of the Joint Committee on

Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

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### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective March 16, 2011.

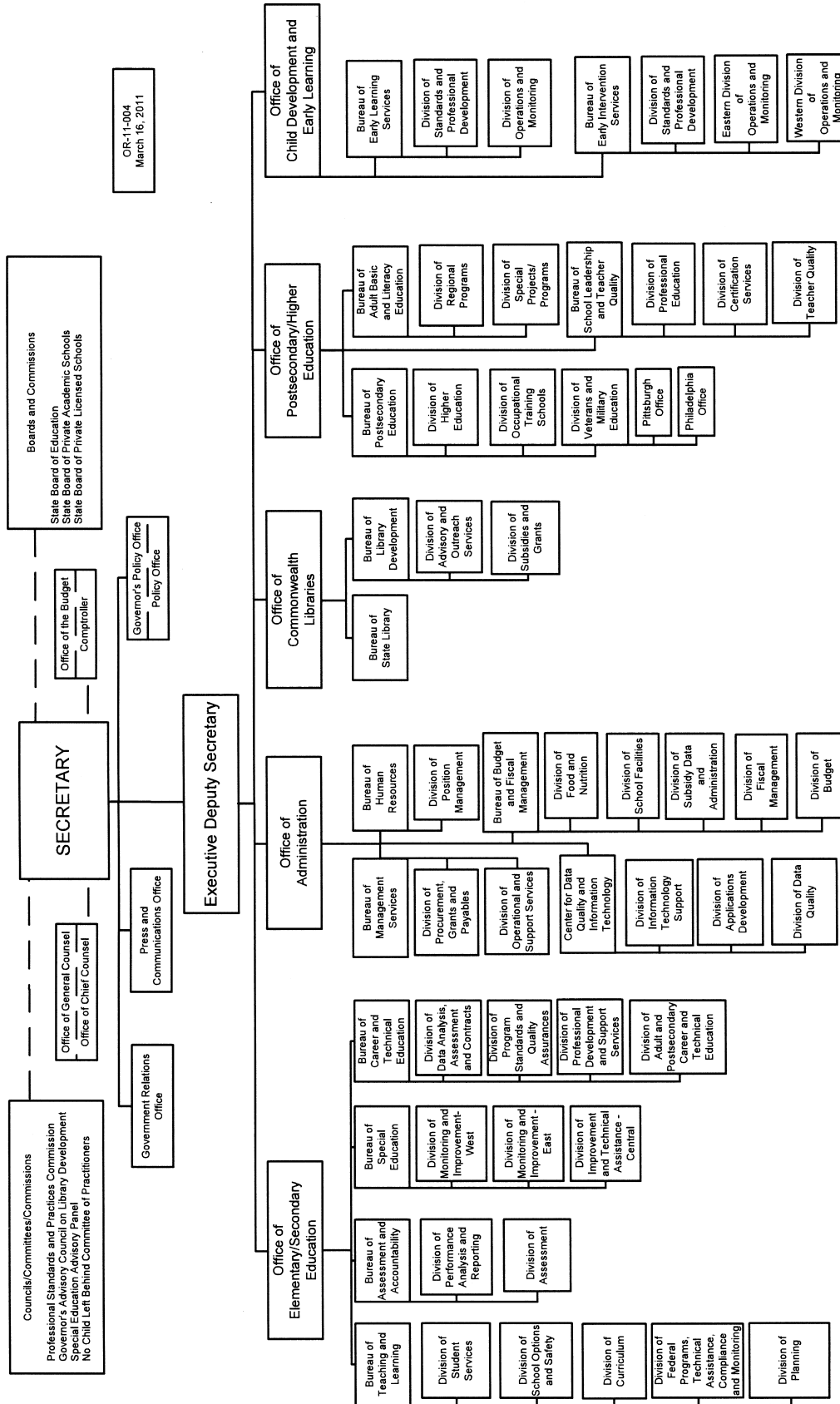
The organization chart at 41 Pa.B. 1787 (April 2, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

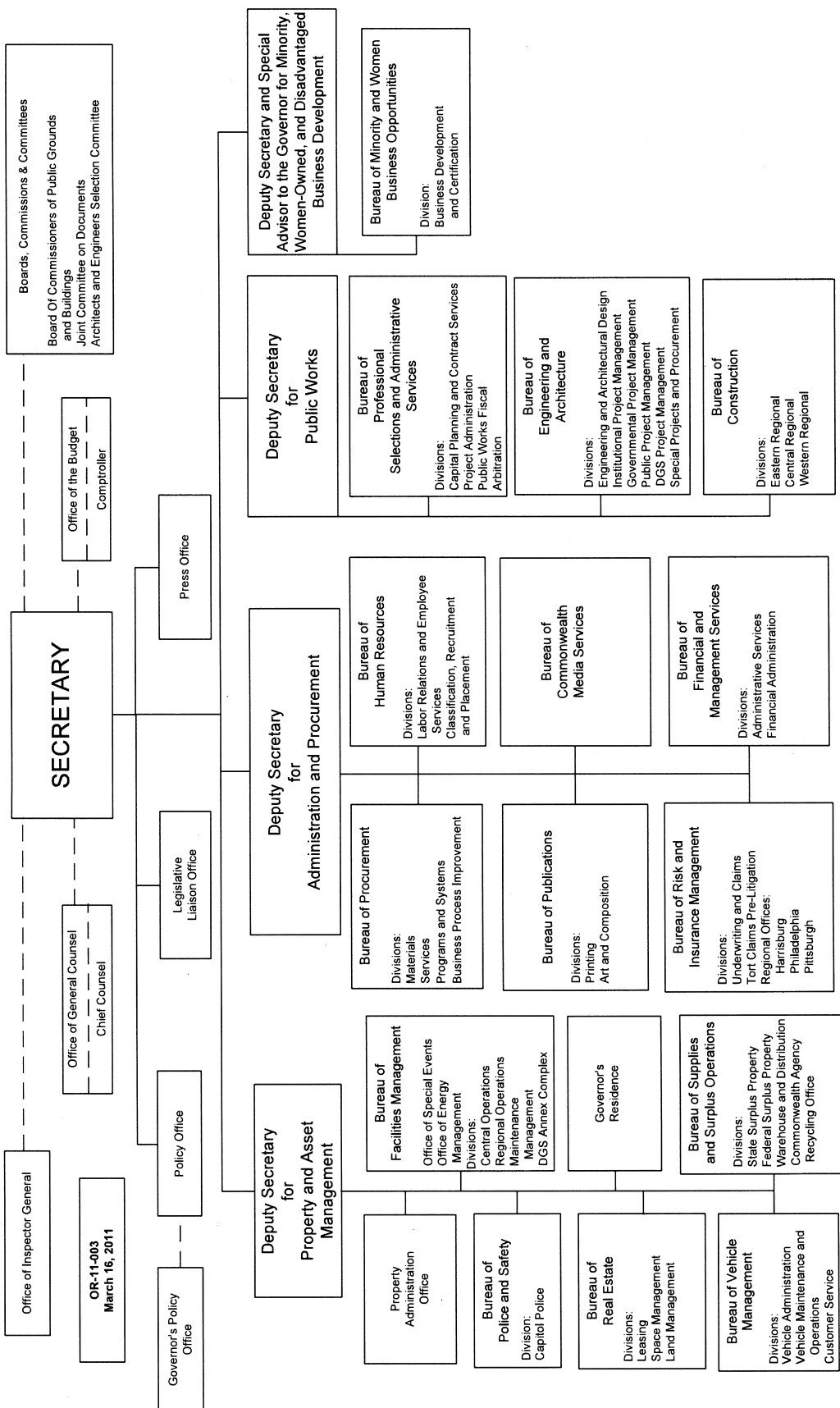
[Pa.B. Doc. No. 11-563. Filed for public inspection April 1, 2011, 9:00 a.m.]



## DEPARTMENT OF EDUCATION

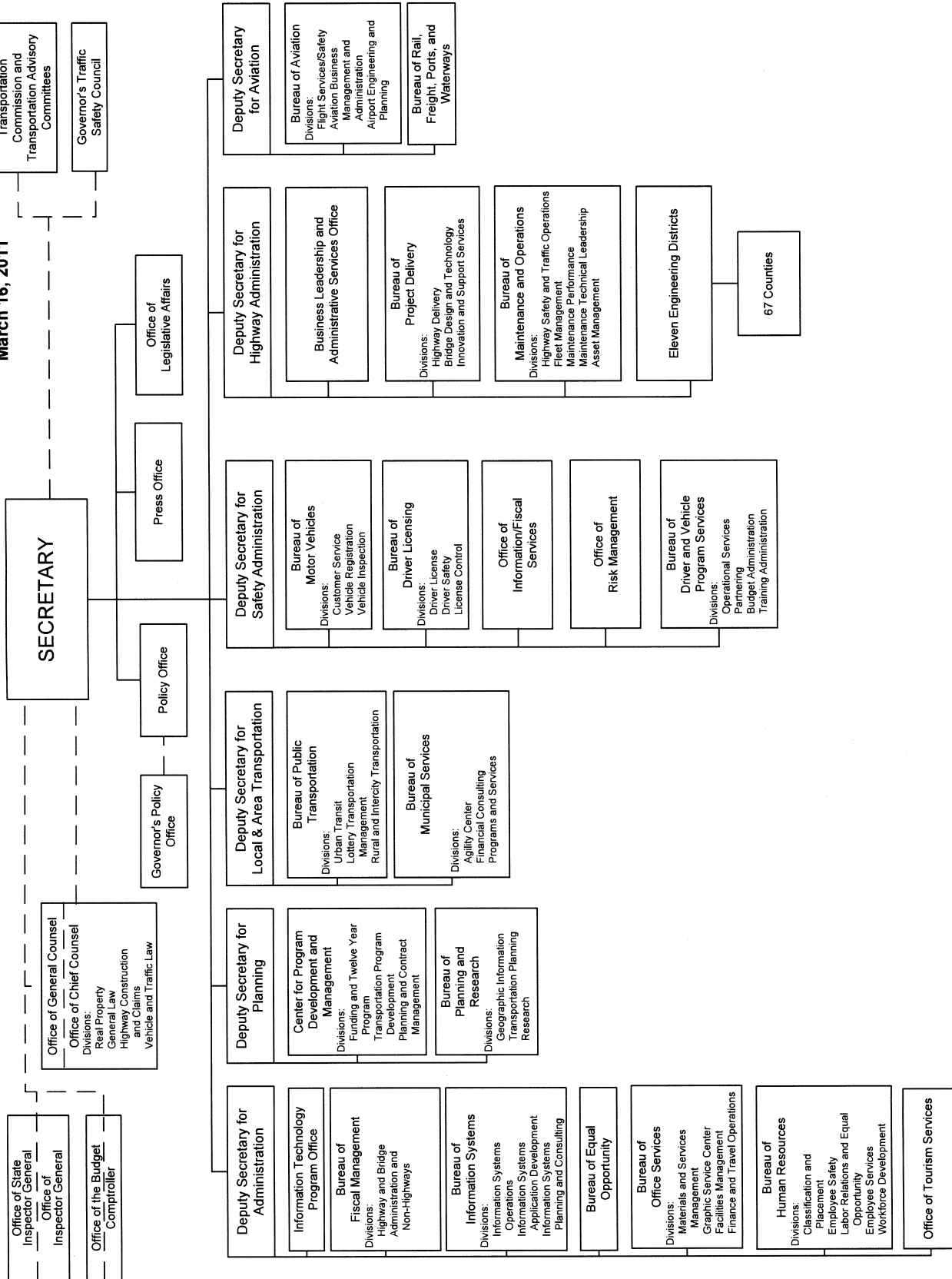


## DEPARTMENT OF GENERAL SERVICES



OR-11-002  
March 16, 2011

## DEPARTMENT OF TRANSPORTATION



# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 15, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-14-2011	<i>From:</i> Riverview National Bank Marysville Perry County  <i>To:</i> Riverview Bank Marysville Perry County  Application for approval to convert from a national bank to a Pennsylvania state-chartered bank.	Filed

#### Branch Applications

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-14-2011	Reliance Savings Bank Altoona Clair County	1824 South Atherton Street State College Centre County	Approved

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-9-2011	Freedom Credit Union Warminster Bucks County  Application for approval to merge Salem Federal Credit Union, Jenkintown, with and into Freedom Credit Union, Warminster.	Approved

#### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-11-2011	Crayola LLC Employees Credit Union Easton Northampton County	2475 Brodhead Road Bethlehem Northampton County	Filed

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

PAUL WENTZEL,  
*Acting Secretary*

[Pa.B. Doc. No. 11-564. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 22, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-16-2011	PWMG Trust Holdings, Inc. Hershey Dauphin County  PWMG Trust Holdings, Inc. is a proposed Pennsylvania state-chartered trust company.	Filed
3-16-2011	PWMG Trust Merger Sub, Inc. Hershey Dauphin County  PWMG Trust Merger Sub, Inc. is a proposed Pennsylvania state-chartered trust company. The purpose of PWMG Trust Merger Sub, Inc. is to merge with Hershey Trust Company, Hershey.	Filed
3-16-2011	PWMG Bank and Trust, Inc. Hershey Dauphin County  PWMG Bank and Trust, Inc. is a proposed Pennsylvania state-chartered bank and trust company. The purpose of PWMG Bank and Trust, Inc. is to merge with The Bryn Mawr Trust Company, Bryn Mawr.	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-22-2011	Donegal Financial Services Corporation Marietta Lancaster County  Application for approval to acquire 100% of Union National Community Bank, Lancaster.	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-16-2011	Hershey Trust Company Hershey Dauphin County  Application for approval to merge PWMG Trust Merger Sub, Inc., Hershey, with and into Hershey Trust Company, Hershey.	Filed
3-18-2011	The Bryn Mawr Trust Company Bryn Mawr Montgomery County  Application for approval to merge PWMG Bank and Trust, Inc., Hershey, with and into The Bryn Mawr Trust Company, Bryn Mawr.	Filed

### SAVINGS INSTITUTIONS

No activity.



## CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

PAUL WENTZEL,  
Acting Secretary

[Pa.B. Doc. No. 11-565. Filed for public inspection April 1, 2011, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Lee Franczyk for Reinstatement of Teaching Certificates; Doc. No. RE 10-04

#### Notice of Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1a—2070.18a), the Professional Standards and Practices Commission (Commission) will consider the application of Lee Franczyk for reinstatement of his teaching certificates.

On or about December 13, 2010, Lee Franczyk filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Under section 16 of the act, the Department of Education on March 14, 2011, filed its opposition to the reinstatement.

In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties who wish to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,  
Executive Director,  
Professional Standards  
and Practices Commission

[Pa.B. Doc. No. 11-566. Filed for public inspection April 1, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

Location	Permit Authority	Application Type or Category
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VIII	NMP	NMP/CAFO
Section IX	NPDES	Mining Draft Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## **I. NPDES Renewal Applications**

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0239739 (Sewage)	Karns City STP Kittanning Pike Karns City, PA 16041	Butler County Fairview Township	South Branch Bear Creek 17-C	y

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0040665**, Sewage, **Elinor B. Thomforde, Stone Barn Rentals**, 100 Stone Barn Drive, Kennett Square, PA 19348-1132.

This existing facility is located in West Marlborough Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the Stone Barn Rentals sewage treatment plant, serving apartments and a restaurant.

The receiving stream, East Branch White Clay Creek, is in the State Water Plan watershed 3-I and is classified for: EV.

The Christina River Basin Total Maximum Daily Load (TMDL) for nutrients and dissolved oxygen for low-flow conditions, issued by EPA 2001 and revised in 2002 and 2006, includes the discharge from this treatment plant. The parameters CBOD<sub>5</sub>, Ammonia, Dissolved Oxygen, Total Phosphorus, and Total Nitrogen are addressed in the TMDL.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.011 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>					
(05-01 to 10-31)			20		40
(11-01 to 04-30)			25		50
Total Suspended Solids			20		40
Ammonia as N					
(05/01 to 10/31)			3.0		6.0
(11/01 to 04/30)			9.0		18.0

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P					
Issuance to 05/31/14			Report		
06/1/14 to expiration			2.0		4.0
Fecal Coliform					
(05/01 to 09/30)			200/100 ml		1,000/100 ml
(10/01 to 04/30)			200/100 ml		1,000/100 ml*
Dissolved Oxygen			5.0 (min.)		
pH (Std. Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.5		1.17
Total Nitrogen					
Issuance to 05/31/14			Report		
06/01/14 to expiration			24		48
Total Kjeldahl Nitrogen			Report		
Nitrate-Nitrite as N			Report		

\*From October through April, the instantaneous maximum concentration shall not be greater than 1,000/100 ml in more than 10 percent of the samples tested.

In addition to the effluent limits, the permit contains the following major special conditions:

- A. Notification of Designation of Operator
- B. Abandon STP when Municipal Sewers Available
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Change in Ownership
- G. Minimize Chlorine
- H. Proper Sludge Disposal
- I. Certified Operator
- J. I-Max
- K. 2/Month Sampling
- L. Laboratory Certification
- M. Fecal Coliform for Delaware River Basin
- N. TN and TP Compliance Schedule

**PA0054895**, Industrial Waste, SIC Code 2822, **Palmer International Inc.**, 2036 Lucon Road, Skippack, PA 19474. Facility Name: Palmer International Inc.. This existing facility is located in Skippack Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Unnamed Tributary to Skippack Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0058 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1000	2000	2500
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0022 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1000	2000	2500
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed effluent limits for Outfalls 003 and 004 are based on average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

1. Approved Chemicals Additives
2. Storm Water Management Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**PA0026492A-1**, Sewage, SIC Code 4952, **Scranton Sewer Authority**, 312 Adams Avenue, Scranton, PA 18503-1501. Facility Name: Scranton Sewer Authority Treatment Plant. This existing facility is located in the City of Scranton, **Lackawanna County**.

Description of Existing Activity: The Department is proposing to amend the Scranton Sewer Authority's NPDES Permit for the discharge of treated sewage to the Lackawanna River. The effluent limits are based upon a design discharge rate of 20 MGD. The current permit was issued on September 21, 2009, became effective on October 21, 2009, and expires on September 30, 2014. The purpose of the amendment is to revise the final Total Residual Chlorine (TRC) effluent limitations contained in the permit based upon a Site Specific Chlorine Demand Study (Study) and in accordance with the stipulation of settlement entered into on March 2, 2011 in the matter of Scranton Sewer Authority v. DEP, EHB Docket No. 2010-043-M. Based upon the Study, the TRC effluent limitations will be revised to 0.37 mg/l monthly average and 1.35 mg/l instantaneous maximum effective upon issuance. The proposed permit amendment has been drafted using an updated permit template that reflects the Chapter 92a Regulations that became effective on October 9, 2010. The Discharge Monitoring Report and Supplemental forms have also been updated. There are no other substantive changes to the permit.

The receiving stream, Lackawanna River, is located in State Water Plan Basin 5A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The EPA waiver is not in effect.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

**PA0053147-A1**, Sewage, SIC Code 4952, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. Facility Name: Upper Saucon Township Wastewater Treatment Plant. This existing facility is located in Upper Saucon Township, **Lehigh County**.

Description of Activity: The Department is proposing to amend an NPDES permit for an existing discharge of treated sewage to Saucon Creek, in Watershed 2-C.

Under 25 Pa. Code § 16.24, the Department of Environmental Protection (Department) proposes to amend the permit by incorporating the results of a Water-Effect Ratio (WER) study into the calculation of the water quality based effluent limits for copper. The WER is a biological determination of a site-specific aquatic life criterion, determined by conducting toxicity testing on sensitive aquatic species using site or simulated site water and comparing it to testing performed using lab dilution water. The WER procedure recognizes that the physical and chemical characteristics of site water can influence the toxicity of a chemical on aquatic life. A Toxics Reduction Evaluation (TRE) dated March 2010, including a Water-Effect Ratio analysis, was submitted by the permittee in accordance with the permit conditions. A TRE Addendum

dated September 15, 2010 was submitted by the permittee and the WER study was approved by the Department and the Environmental Protection Agency (EPA) on November 4, 2010 as the basis for establishing site-specific criteria for copper.

Alternate site-specific criteria for copper have been developed by multiplying the fish and aquatic life copper criteria contained in Chapter 93, § 93.8c Table 5, by a WER of 2.53. As a result of the site-specific criteria, the copper effluent limitations are being removed from the permit and replaced with a "report" requirement. This change will affect the copper limits of the permittee's discharge only.

In addition, the amended permit includes the following revisions to the major special conditions:

1. Removal of the copper TRE condition since this requirement has been satisfied.
2. Continuation of WET testing on a semi-annual rather than quarterly basis, based upon favorable recent test results.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0038385**, Sewage, SIC Code 4225, **DLA Installation Support Susquehanna**, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002. Facility Name: Defense Distribution Center, Susquehanna. This existing facility is located in **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-E and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	9,132			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1,218			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be



reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0027057**, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W Fourth Street, Williamsport, PA 17701-6113. Facility Name: Central Plant. This existing facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: The application is for an amendment of an NPDES permit, for an existing discharge of treated sewage, to accept pretreated natural gas well wastewater.

All existing permit conditions and limitations remain in effect. The additional or changed proposed effluent limits for Outfall 001 are:

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Dissolved Solids	Report	Report Daily Max	XXX	Report	Report Daily Max	XXX
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

In addition, the permit will contain the following additional major special conditions:

1. Receipt of Residual Waste
2. Natural Gas Well Wastewater Pretreatment Standards

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000*

**PA0253171**, Sewage, **Mount Pleasant Township Municipal Authority**, PO Box 137, Mammoth, PA 15664. Facility Name: Mt Pleasant Township STP. This existing facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Sewickley Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.33 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	68.8	103.3	XXX	25	37.5	50
Total Suspended Solids	82.6	123.9	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	15.1	22.7	XXX	5.5	8.3	11.0
Nov 1 - Apr 30	45.4	68.2	XXX	16.5	24.8	33.0

The EPA Waiver is in effect.

**PA0218359**, Sewage, **Green Township Municipal Authority Indiana County**, P. O. Box 129, Commodore, PA 15729-0129. Facility Name: Green Township Municipal Authority WWTP. This existing facility is located in Green Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of North Branch Two Lick Creek, is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)		Report				
	Report	Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.7
CBOD <sub>5</sub>						
May 1 - Oct 31	20.0	30.0	XXX	20	30	40
CBOD <sub>5</sub>						
Nov 1 - Apr 30	25.0	37.6	XXX	25	37.5	50
Total Suspended Solids	30.0	45.1	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	5.0	7.5	XXX	5.0	7.5	10.0
Nov 1 - Apr 30	15.0	22.5	XXX	15.0	22.5	30.0

The EPA Waiver is in effect.

**PA0204625**, Sewage, **Feather Robert**, 1510 Darkshade Drive, Windber, PA 15963-6223. Facility Name: Feather Nest MHP STP. This existing facility is located in Paint Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Shade Creek, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.02	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000

The EPA Waiver is in effect.

**PA0252999**, Sewage, **Unity Township Municipal Authority**, PO Box 506, Pleasant Unity, PA 15676. Facility Name: 14 Mile Run STP. This existing facility is located in Unity Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Fourmile Run, is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.950 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)		Report				
pH (S.U.)	Report	Daily Max	XXX	XXX	XXX	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	5.0	XXX	XXX	XXX
May 1 - Oct 31	158	237	XXX	20	30	40
CBOD <sub>5</sub>						
Nov 1 - Apr 30	198	301	XXX	25	38	50
Total Suspended Solids	237	356	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	19	28	XXX	2.4	3.6	4.8
Nov 1 - Apr 30	57	85	XXX	7.2	10.8	14.4

The EPA Waiver is in effect.

**PA0093033**, Sewage, **Eastern Armstrong County Municipal Authority**, P O Box 262, Elderton, PA 15736-0262. Facility Name: Eastern Armstrong County Municipal Authority, Elderton STP. This existing facility is located in Elderton Borough, **Armstrong County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Crooked Creek, is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.058 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Average Weekly</i>	
Flow (MGD)	0.058	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
CBOD <sub>5</sub>	4.8	XXX	XXX	10	XXX	20
Total Suspended Solids	12.1	XXX	XXX	25	XXX	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	1.5	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	4.4	XXX	XXX	9.0	XXX	18.0

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 5411402**, Sewerage, **Little Washington Wastewater Co.**, 762 West Lancaster Ave., Bryn Mawr, PA 19010

This proposed facility is located in North Union Twp., **Schuylkill County**, PA.

Description of Proposed Action/Activity: The proposed project involves a sewer extension in the Algonquin Valley section of the Eagle Rock development. The sewer extension consists of low pressure sewers with individual grinder pumps and the sewage will be conveyed to Little Washington Wastewater Company's existing treatment plant via connection to the Tomhicken Creek Interceptor.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 5080401, Amendment 11-1**, Sewerage, **Paradise Mobile Home Park, Inc.**, 101 Pfautz Road, Duncannon, PA 17020.

This proposed facility is located in Wheatfield Township, **Perry County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing wastewater treatment plant.

**WQM Permit No. 2888401, Amendment 11-1**, Sewerage, **Waynesboro Borough Authority**, PO Box 310, Waynesboro, PA 17268.

This proposed facility is located in Waynesboro Borough, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing wastewater treatment plant to meet pending Total Nitrogen and Total Phosphorus effluent requirements.

**WQM Permit No. 2171401, Amendment 11-1**, Sewerage, **Borough of New Cumberland**, 1120 Market Street, New Cumberland, PA 17070.

This proposed facility is located in New Cumberland Borough, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing wastewater treatment plant to comply with the new Chesapeake Bay Clean Water laws.

**WQM Permit No. 0605409, Amendment 11-1**, Sewerage, **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530.

This proposed facility is located in Kutztown Borough, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing wastewater treatment plant.

**WQM Permit No. 2170410, Amendment 11-1**, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428.

This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for BNR improvements at their existing wastewater treatment plant. The project generally includes modification of influent pumps and primary distribution chamber, primary clarifier metal and pump replacement, activated sludge BNR expansion, existing final clarifier metal replacement, a final clarifier addition, yard piping, process control upgrade, electrical supply modifications, and dewater sludge storage.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 0211202**, Industrial Waste, **Allegheny Ludlum Corporation**, 100 River Road, Brackenridge, PA 15014.

This proposed facility is located in Brackenridge Borough and Harrison Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit application for the construction and operation of a hot rolling processing facility.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 1001401**, Sewerage, **Amendment No. 2**, Borough of Prospect, 159 Monroe Street, Prospect, PA 16052.

This existing facility is located in Franklin Township, **Butler County**.

Description of Proposed Action/Activity: The permittee is requesting an Amendment to the permit to allow installation of equipment to automate the operation of the existing Flow Equalization Tank. The purpose of the project is to abate high volume releases from the eq. tank, that are negatively impacting the downstream collection system in Moraine State Park.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 4611201**, Industrial, **Sunoco Inc. ( R & M )** 10 Industrial Highway, Lester, PA 19029.

This proposed facility is located in Norristown Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a groundwater remediation system at retail gasoline station with discharge to on-site infiltration gallery.

**WQM Permit No. 4611402**, Sewerage, **West Norriton Township**, 1630 West Marshall Street, Jeffersonville, PA 19403-3236.

This proposed facility is located in West Norriton Township, **Montgomery County**.

Description of Action/Activity: Rehabilitation of existing pump station and force main replacement.

**WQM Permit No. WQG02151103**, Sewerage, **Coatesville Inn Associates**, 300 Barr Harbor Drive, Suite 750, West Conshohocken, PA 19428.

This proposed facility is located in the City of Coatesville, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station to serve a hotel building.

**WQM Permit No. WQG02151104**, Sewerage, **Coatesville Inn Associates**, 300 Barr Harbor Drive, Suite 750, West Conshohocken, PA 19428.

This proposed facility is located in the City of Coatesville, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station to serve a office building.



**IV. NPDES Applications for Stormwater Discharges from MS4****V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Lehigh County Conservation District: 4184 Dorney Park Rd., Allentown PA 18104, 610-391-9583*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906001(R)	Edward Roski, Jr Majestic Lehigh Valley West, LP 3001 Commerce Center Blvd. Bethlehem PA 18015	Lehigh Co.	Upper Macungie Twp.	Iron Run (HQ-CWF, MF)
PAI023904039(R)	John Maczonis Heritage Building Group, Inc 865 Easton Rd., Ste. 250 Warrington PA 18976	Lehigh Co.	Upper Macungie Twp.	Tributary to Schaefer Run (HQ-CWF, MF)

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724-378-1701)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050410001	Ambridge Water Authority Mary Hrotic PO Box 257 600 Eleventh Street Ambridge, PA 15009	Beaver	Raccoon Township	Service Creek (HQ-CWF)

*Indiana County Conservation District, 625 Kolter Drive, Suite 8, Indiana, PA 15701-3571 (724-471-4751)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053211001	Indiana County Municipal Services Authority 602 Kolter Avenue Indiana, PA 15701	Indiana	Pine Township	UNT to Little Yellow Creek (HQ-CWF)

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER****Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**Application No. 0911521** Public Water Supply

Applicant	<b>North Penn Water Authority</b>
Borough/Township	Sellersville/West Rockhill
County	<b>Bucks</b>
Responsible Official	Daniel Preston 300 Forty Foot Road P. O. Box 1659 Landsdale, PA 19446
Type of Facility	PWS
Application Received Date	March 11, 2011
Description of Action	Transfer of Public Water Supply permits under the Safe Drinking Water Act from Sellersville Borough to North Penn Water Authority due to change of ownership.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 2400003**, Public Water Supply.

Applicant	<b>Echo Valley Estates, LLC</b>
[Township or Borough]	Kingston Township, <b>Luzerne County</b>
Responsible Official	Hugh Reid, Manager Echo Valley Estates, LLC 200 Harris Hill Road Shavertown, PA 18708
Type of Facility	Community Water System
Application Received Date	March 10, 2011
Description of Action	Application for transfer of PWS operation permit from Echo Valley Mobile Home Park to Echo Valley Estates, LLC.

**Application No. 3911502**, Public Water Supply.

Applicant	<b>Upper Saucon Township</b>
[Township or Borough]	Upper Saucon Township, <b>Lehigh County</b>
Responsible Official	Thomas F. Beil 5500 Camp Meeting Road Center Valley, PA. 18034
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Hening The Pidcock Company 2451 Parkwood Drive Allentown, PA. 18103
Application Received Date	March 2, 2011

## Description of Action

This project provides for the construction and installation of a new well to the water supply system. Appropriate treatment will be provided along with the necessary transmission main to interconnect to the existing distribution system.

**MINOR AMENDMENT****Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 4011501MA**

Applicant	<b>Aqua Pennsylvania, Inc.</b>
[Township or Borough]	Kingston Township <b>Luzerne County</b>
Responsible Official	Patrick R. Burke Regional Manager NE & Central Operations 1 Aqua Way White Haven, PA 18661
Type of Facility	Community Water System
Consulting Engineer	William A. LaDieu, PE CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112 717-541-0622
Application Received Date	March 15, 2011
Description of Action	Application for construction of additional chlorine contact line at Midway Manor to meet the Groundwater Rule requirements at the Well No. 2 facility.

**Application No. 5210507MA**, Minor Amendment.

Applicant	<b>Matamoras Municipal Authority</b>
[Township or Borough]	Matamoras Borough, <b>Pike County</b>
Responsible Official	Richard McGoey 304 Pennsylvania Avenue Matamoras, PA. 18336
Type of Facility	Public Water Supply
Consulting Engineer	McGoey, Hauser & Edsall P.C. Matthew Sickler, PE. 111 Wheatfield Drive, Suite 1 Milford, PA. 18337
Application Received Date	March 10, 2011
Description of Action	This project provides for the construction of additional chlorination contact time to meet the requirements of the Ground Water Rule

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Former Barletta Materials Property**, Southwest of Intersection of SR 924 and I-81, Hazle Township, **Luzerne County**. Lori Girvan, Barry Isett & Associates, Inc., 100 West Broad Street, Hazleton, PA 18201 has submitted a Notice of Intent to Remediate (on behalf of her client, CAN DO, Inc., 1 South Church Street, Hazleton, PA 18201), concerning the remediation of soil found to have been impacted by asphalt as a result of historical operations at the former asphalt plant, which was removed from the property in 2009. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The proposed future use of the property is a strip mall. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**333 South Queen Street/Churchtown**, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 on behalf of the Redevelopment Authority of the City of Lancaster, 120 N. Duke Street, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils contaminated with lead and arsenic. The site will be remediated to the Site Specific Standard. Future use of the site is a pocket park.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Sovereign Bank**, City of Lock Haven, **Clinton County**. Blazosky Assoc., Inc., 649 N. Lewis Road, Suite 215, Royersford, PA 19468 on behalf of Sovereign Bank, 75 State St., Boston, MA 02109 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with No. 2 fuel oil constituents. The applicant proposes to remediate the site to meet a combination of the Statewide Health and Site Specific Standards. The intended future use of the property is non-residential.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**#1 Cochran Automotive—West Liberty Avenue**, City of Pittsburgh, **Allegheny County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, Pa 17111 on behalf of Cochran South Hills, Inc., 4520 William Penn Highway, Monroeville, PA 15146 has submitted a Notice of Intent to Remediate. Three parcels with various buildings are used for automobile sales and service. A former unregulated underground storage tank and system has impacted soil and groundwater across the parcels. A combination of statewide health and site specific standards will be attained.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*



*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Alpha Bio/Med Services, LLC.**, P. O. Box 304, Leola, PA 17540-0304. License No. PA-HC 0234. Effective on January 31, 2011.

**Medical Waste Recovery, Inc.**, 9 Broadway, Suite 30, Denville, NJ 07834. License No. PA-AH 0233. Effective on February 7, 2011.

**Stericycle, Inc.**, 1525 Chestnut Hill Road, Morgantown, PA 19543-9508. License No. PA-AH 0196. Effective on February 25, 2011.

**S-J Transportation Company, Inc.**, P. O. Box 169, Woodstown, NJ 08098. License No. PA-AH 0031. Effective on March 17 2011.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit received under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit No. WMGR038NE005. Nationwide Tire Recyclers, Inc.**, 191 Clark Road, Duryea, PA 18643. A General Permit Determination of Applicability (DOA) application submitted under General Permit #WMGR038NE005 for the processing, reuse and beneficial use of waste tires, tire chips, baled tires, tire shreds and crumb rubber. The processing site is located in Duryea Borough, **Luzerne County**. The Determination of Applicability application was received in the Regional Office on February 15, 2011, and was deemed administratively complete on March 17, 2011.

Comments concerning the application should be directed to William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Persons interested in obtaining more information about the general permit application may contact Northeast Regional Office, Waste Management Program at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and or denial of the application.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application(s) Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 100585. Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061, Clay Township, **Butler County**. A permit renewal was issued to extend the disposal operations of the landfill for another five years. The previous permit would have expired on March 23, 2011. No changes in operations or

permit conditions were requested. The permit was issued by the Northwest Regional Office on March 21, 2011.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

#### **PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*



**48-309-135: Keystone Cement Co.** (Route 329, PO Box A, Bath, PA 18014) for modification of cement kiln No. 1 to use SNCR at their facility in East Allen Township, **Northampton County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-03141: UGI LNG, Inc.** (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) to modify a plan approval issued on December 17, 2008 to authorize installation of three (3) new vaporizers and one LNG storage tank at their Temple site (5665 Leesport Road, Reading, PA 19605) in Ontelaunee Township, **Berks County**. The modification is to forego installation of the three vaporizers and instead to install one larger-sized vaporizer which will not exceed 1,000 hours per year of operation.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

The vaporizer is subject to the New Source Performance Standards prescribed in 40 CFR Part 60, Subpart Dc. Overall potential NO<sub>x</sub> and CO emissions from the operation are 7.63 and 2.32 tons per 12-month rolling total. All other criteria pollutants are considered trivial.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Thomas J. Hanlon, P.E., East Permitting Section Chief may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code Section 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**59-00017B: Hitachi Metals Automotive Components USA, LLC** (18986 Route 287, Tioga, PA 16946-8815) for a plan approval to modify the iron foundry at their facility in Lawrence Township, **Tioga County**. The respective facility is a synthetic minor facility for which State Only Operating Permit 59-00017 has been issued.

The Department's review of the information submitted by Hitachi Metals Automotive Components USA, LLC indicates that modification of the iron foundry will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the modification of the iron foundry. Additionally, if the Department determines the iron foundry is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into State Only Operating Permit 59-00017 via an administrative amendment pursuant to 25 Pa. Code Section 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. No more than 107,500 tons of metal shall be melted in the foundry's two induction furnaces in any 12 consecutive month period.
2. The emission of volatile organic compounds from the pouring & cooling section of Line 2070 shall not exceed 0.16 pounds per ton of metal poured, as measured at the stack.
3. The emission of volatile organic compounds from the mold shakeout section of Line 2070 shall not exceed 0.10 pounds per ton of metal poured, as measured at the stack.
4. The emission of volatile organic compounds from the separation drum of Line 2070 shall not exceed 0.09 pounds per ton of metal poured, as measured at the stack.
5. The emission of volatile organic compounds from the pouring & cooling section of Line 2013 shall not exceed 0.364 pounds per ton of metal poured, as measured at the stack.
6. The emission of volatile organic compounds from the mold shakeout section of Line 2013 shall not exceed 0.12 pounds per ton of metal poured, as measured at the stack.
7. The emission of volatile organic compounds from the separation drum of Line 2013 shall not exceed 0.07 pounds per ton of metal poured, as measured at the stack.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

**59-00004G: Ward Manufacturing, LLC** (117 Gulick Street, PO Box 9, Blossburg, PA 16912-0009) has submit-

ted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a tumblast cleaning machine at their facility located in Blossburg Borough, **Tioga County**. The respective facility is a Title V facility for which Title V Operating Permit 59-00004 has been issued.

The Department's review of the information submitted by Ward Manufacturing, LLC indicates that construction of the tumblast cleaning machine will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the tumblast cleaning machine. Additionally, if the Department determines the tumblast cleaning machine is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V Operating Permit 59-00004 via an administrative amendment pursuant to 25 Pa. Code Section 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. The permittee shall not permit the emission of particulate matter into the outdoor atmosphere from Source 163 in a manner such that the concentration of particulate matter in the effluent gas from Control Device C24 exceeds 0.01 grains per dry standard cubic foot whenever the 14 cubic foot, Rosler JMT #14 tumblast cleaning machine is the only machine incorporated in Source 163 that is operating and being controlled by Control Device C24. At all other times the concentration of particulate matter in the effluent gas from Control Device C24 shall not exceed 0.04 grains per dry standard cubic foot.

2. Control Device C24 shall be equipped with instrumentation to continuously monitor the pressure differential across the collector.

3. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for Control Device C24 in order to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation of Source 163 and Control Device C24.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**65-00983A: Dominion Transmission, Inc.—Rock Springs Compressor Station** (445 West Main Street, Clarksburg WV, 26301) for a plan approval minor modification to be issued for revision of Section C, Permit Condition No. 004 in Salem Township, **Westmoreland County**. The condition is being changed to revise the performance of daily inspections for visible stack emissions, fugitive emissions, and malodors to weekly inspections.

The station is not manned on a daily basis therefore daily monitoring would not be feasible. In addition, a request to extend the plan approval is being approved with a new expiration date of October 20, 2011 so that the permittee can complete stack testing requirements imposed by the plan approval.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**62-185A: Berenfield Containers, Inc.** (304 Main Avenue, Warren, PA 16365-2157) for installation of four (4) spray booths, three (3) curing ovens, two (2) silk screen stations, a roll coating line, a natural gas fueled emergency generator, solvent cleanup activities and miscellaneous natural gas combustion for their facility at 304 Main Avenue, in the City of Warren, **Warren County**.

Pursuant to 25 Pa. Code Sections 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 62-185A to Berenfield Containers Inc. for four (4) spray booths, three (3) curing ovens, two (2) silk screen stations, a roll coating line, a natural gas fueled emergency generator, solvent cleanup activities and miscellaneous natural gas combustion, for the facility located at 304 Main Avenue, in the City of Warren, Warren County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 62-185A is for the installation of four (4) spray booths, three (3) curing ovens, two (2) silk screen stations, a roll coating line, a natural gas fueled emergency generator, solvent cleanup activities and miscellaneous natural gas combustion. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 41 tons per year (tpy) of volatile organic compounds (VOC), 11 tpy of Hazardous Air Pollutants (HAP), 7.0 tpy of nitrogen oxides (NOx), 5.92 tpy of carbon monoxide (CO), 0.7 tpy of particulate matter (PM), 0.04 tpy of sulfur oxides (SOx).

The Plan Approval will contain testing, monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Portions of the facility will also be subject to the National Emission Standards for Hazardous Air Pollutants specified in 40 CFR Part 63, Subpart ZZZZ, for Stationary Reciprocating Internal Combustion Engines (RICE) and Standards of Performance for New Stationary Sources specified in 40 CFR Part 60, Subpart JJJJ for Stationary Spark Ignition Internal Combustion Engines.

#### OPERATING PERMITS

**Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**25-00920: Waste Management Disposal Service of PA—Lakeview Landfill** (851 Robison Road East, Erie, PA 16509-5339) for re-issuance of the Title V Permit to operate the landfill in Summit Township, **Erie County**.

The facility's major emission sources include the landfill (controlled by an enclosed ground flare or two engine / generators), the leachate storage system, emergency generators, and parts washers. The facility is a major facility due to its potential to emit Carbon Monoxide (CO). The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The landfill is subject to the New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills (40 CFR 60, Subpart WWW) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Municipal Solid Waste Landfills (40 CFR 63, Subpart AAAA). The engines that control the landfill gas and the emergency generators are subject to the NESHAP for Stationary Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ).

**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00179: Bucks County Furniture, LTD** (174 Keystone Drive, Telford, PA 18969) for renewal of a non-Title V, State Only Operating Permit, Synthetic Minor facility in West Pottsgrove Township, **Montgomery County**. This facility manufactures custom wood furniture and cabinets. Three paint spray booths, some off line spray coating and clean-up operations produce mainly emissions of volatile organic compounds. The actual volatile organic compound emissions from the facility for 2010 were 1.05 tons, and the actual hazardous air pollutant emissions from the facility for 2010 were 0.22 tons. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00146: Republic Environmental Systems of PA, LLC** (2869 Sandstone Drive, PA 19440) for a renewal of State-only (Synthetic Minor) Operating Permit, which was originally issued on March 6, 2006 in Hatfield Township, **Montgomery County**. No major changes have occurred at the facility since the permit was originally issued. The renewed permit will include monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00032: Precision Roll Grinders, Inc.** (6356 Champan Road, Allentown, PA 18106) for operation of the application of coating to refurbished rolls throughout the facility and its associated activities at their facility in Upper Macungie Township, **Lehigh County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

**48-00042: Molded Acoustical Products, Inc.** (3 Danforth Road, Easton, PA 18405-7821) for a State Only Operating Permit for their unsupported plastic profile shape-mineral wool manufacturing operation in Palmer Township, **Northampton County**. The proposed State

Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**44-03015: First Quality Baby Products** (97 Locust Road, Lewistown, PA 17044) for their disposable diaper and training pants manufacturing facility in Granville Township, **Mifflin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has potential volatile organic compound (VOC) emissions of around 12 tons per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, Chief, West Permitting Section may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00010: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for their Mill Hall Asphalt Plant No. 3 in Mill Hall Borough, **Clinton County**. The facility's main sources include one (1) #2 fuel oil fired combustion unit and an asphalt production plant. The facility has the potential to emit particulate matter (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The facility has taken a synthetic minor restriction to limit the sulfur oxides (SO<sub>x</sub>) emissions below the major



threshold. The proposed operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**41-00068: Keystone Leather Distributors, LLC** (2100 Reach Road, Williamsport, PA 17701-5574) for Keystone Leather Distributors, LLC, in the City of Williamsport, **Lycoming County**. The facility's main sources include one (1) leather shoe sole waterproofing operation, two small natural gas-fired combustion units, and one spray booth. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SOx) below the major emission thresholds. The proposed operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**41-00029: Chemcoat, Inc.** (2790 Canefield Lane, Montoursville, PA 17754) for their facility in Loyalsock Township, **Lycoming County**. The facility's main sources include two (2) #2 fuel oil-fired boilers, one (1) natural gas/#2 fuel oil-fired boiler, twenty-three (23) mixers, mills, and product storage tanks, one natural gas/#2 fuel oil-fired thermal fluid heater, one propane-fired emergency generator, one diesel fuel-fired emergency fire pump and one parts cleaning station. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), carbon monoxide (CO), sulfur oxides (SOx), and combined and individual hazardous air pollutants (HAP) emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the volatile organic compounds (VOC) emissions below the major threshold. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**17-00050: GKN Sinter Metals, Inc.** (PO Box 493, Emporium, PA 15834) for their powdered metal parts manufacturing facility in City of DuBois, **Clearfield County**. The facility's main sources include eleven (11) sintering furnaces, three (3) parts washers, and four (4) oil impregnation systems. The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM10), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**49-00046: Kurt Weiss Greenhouses of PA, Inc.** (225 Arcos Road, Mt. Carmel, PA 17851) for issuance of a State-Only (Synthetic Minor) Operating Permit renewal for operation of their Mt. Carmel Greenhouse facility in Mt. Carmel Township, **Northumberland County**. The facility operates one 10,461,000 Btu/hour Burnham Corp. model 3W-250 natural gas/# 2 fuel oil-fired boiler, one 25,106,000 Btu/hour Burnham Corp. model 3W-600 natural gas/# 2 fuel oil-fired boiler, one 25,106,000 Btu/hour Burnham Corp. model 3W-600 natural gas/# 2 fuel oil-fired boiler, one 17,600,000 Btu/hour Crone model CLM-145 natural gas/# 2 fuel oil-fired boiler equipped with a low nitrogen oxides burner, and one 17,600,000 Btu/hour Crone model CLM-145 natural gas/# 2 fuel oil-fired boiler equipped with a low nitrogen oxides burner.

The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO),

particulate matter with an aerodynamic diameter of 10 microns or less (PM10), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed State Only operating permit (renewal) contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00318: P&N Coal Co., Inc.** (240 West Mahoning Street, Punxsutawney, PA 15767) for operation of a coal preparation plant and loading facility, known as the Hillman Tipple in Banks Township, **Indiana County**. The facility contains air contamination sources, consisting of one 300 tph breaker, conveyers, and storage piles. Facility emissions are 11.44 tons per year of PM10. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

**65-00602: Derry Construction Co., Inc.** (527 Route 217, Latrobe, PA 15650) for operation of their Torrance Asphalt Production Facility in Derry Township, **Westmoreland County**. This is a state only operating permit renewal submittal.

**04-00112: Damascus Steel Casting Co.** (P. O. Box 257, New Brighton, PA 15066) for the operation of their steel foundry facility in New Brighton Borough, **Beaver County**. This is a state only operating permit renewal submittal.

**03-00159: Butler Petro Corp.** (824 Butler Road, Kittanning, PA 16201-1907) for operation of their Petroleum bulk stations and terminals in East Franklin Township, **Armstrong County**. This is a state only operating permit renewal submittal.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**10-00355: Glacial Sand & Gravel Company—Rodgers Site** (P. O. Box 1022, Kittanning, PA 16201) for a Natural Minor Permit issuance to operate a sand and gravel processing facility at the intersection of T860 and T383 (Swope and W. Liberty), Harrisville, PA in Worth Township, **Butler County**.

**37-00121: Markovitz Enterprises Inc.—Flowline Division** (1400 New Butler Road, New Castle, PA 16107) for a natural minor permit to operate a valves and fittings production facility in New Castle City, **Lawrence County**. The facility's major emissions include a degreaser boiler, plasma torch cutting, hand grinding stations (4), a batch vapor degreaser, acid cleaning, press operations, miscellaneous natural gas fired furnaces and Hydra-Flow parts washer. The facility has changed the degreasing solvent from Trichloroethylene (HAP) to n-Propyle Bromide (nPB) (VOC). Thus, this facility is now natural minor.



## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within

30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

**Effluent Limits**—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	Table 1		
	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**56841328 and NPDES No. PA0033677, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Mine 78 in Adams Township, **Cambria County** and related NPDES permit for construction of the St. Michael Water Treatment Plant. Surface Acres Proposed 9.4. No additional discharges. Application received: February 17, 2011.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56060105 and NPDES No. PA0249971. AMFIRE Mining Company, LLC**, One Energy Place, Suite 2800, Latrobe, PA 15650, permit renewal for reclamation only of

a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving stream(s): UTS to Quemahoning Reservoir to Quemahoning Creek to the Stoney Creek River to the Conemaugh River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: March 8, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**02090201 (erroneously listed as 02100101) and NPDES Permit No. PA02251909. Coal Valley Sales, LLC** (111 Freeport Road, Pittsburgh, PA 15215). Application to revise SMP 02090201 to add an access/haul road connecting to Little Deer Creek Valley Road (eastern side of operation) and request a stream variance to conduct mining activities within 100 feet of unnamed tributary #1 to Little Deer Creek, located in West Deer and Indiana Townships, **Allegheny County**. Receiving stream: unnamed tributary to Little Deer Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge:

Oakmont Water Authority. This major revision was incorrectly labeled 02100101 in previous publications. Application received: February 9, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33050106. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Knox & Oliver Townships, **Jefferson County** affecting 75.3 acres. Receiving streams: Unnamed tributary to Sandy Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: March 16, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17000109 and NPDES No. PA0242985. Waroquier Coal, Inc.** (P. O. Box 128, Clearfield, PA 16830). Transfer of an existing bituminous surface mine from Kenneth K. Rishel & Sons, Inc. located in Lawrence Township, **Clearfield County** affecting 32.6 acres. Receiving streams: unnamed stream to Orr's Run and Orr's Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 9, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**PA0224944. Hazleton Material, LLC**, (P. O. Box 1467, Skippack, PA 19474), NPDES Permit for discharge of treated mine drainage from an existing anthracite surface mine and coal refuse reprocessing operation on Surface Mining Permit No. 40980101 in Foster Township, **Luzerne County**, receiving streams: Little Sandy Run, unnamed tributary to Buck Mountain Creek, unnamed tributary to Hazle Creek and Black Creek, classified for the following use: High Quality, cold water fishes. Application received: March 15, 2011.

**PA0224952. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), NPDES Permit for discharge of treated mine drainage from an anthracite coal refuse reprocessing, refuse disposal and prep plant operation on Surface Mining Permit No. 54100201 in Blythe Township, **Schuylkill County**, receiving stream: unnamed tributary of Schuylkill River, classified for the following use: coal water fishes. Application received: March 16, 2011.

#### *Noncoal Applications Received*

**Effluent Limits**—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37980305. Slippery Rock Materials, Inc.** (704 Golf Course Road, Volant, PA 16156) Application for a wetland encroachment to mine through wetlands. The areal extent of the wetlands proposed to be impacted is 5.69 acres located in Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: February 28, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**6575SM5A2C4 and NPDES Permit No. PA0224936. Eureka Stone Quarry, Inc.**, (P. O. Box 249, Chalfont, PA 18914), correction to an existing quarry operation to include a NPDES discharge point for the discharge of treated mine drainage in Hamilton Township, **Monroe County**, receiving stream: unnamed tributary to

McMichael Creek, classified for the following use: Exceptional Value, migratory fishes. Application received: March 8, 2011.

**36820301C8 and NPDES Permit No. PA0612171. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), depth correction of an existing quarry operation and update of NPDES Permit for discharge of treated mine drainage in Brecknock Township, **Lancaster County** affecting 131.7 acres, receiving stream: unnamed tributary to Black Creek, classified for the following use: High Quality, warm water fishes. Application received: March 9, 2011.

## **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311-1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted

before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E45-563. Middle Smithfield Township**, 25 Municipal Drive, East Stroudsburg, PA 18302-9710, in Middle Smithfield Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing (Big Ridge Drive) of a tributary to Pond Creek (HQ-CWF) and 170 feet of adjacent PEM wetlands consisting of four 60-inch diameter HDPE culverts and five 24-inch diameter HDPE culverts. Portions of the project were previously authorized by Emergency Permit EP4510403. The project is located on Big Ridge Drive approximately 1.0 mile north of its intersection with SR 0209 (Bushkill, PA Quadrangle, Latitude: 41°03'53"; Longitude: -75°06'14").

**E45-564. The Nature Conservancy**, P. O. Box 55, Long Pond Road, Long Pond, PA 18334, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximately 18-inch wide nature trail consisting of a half-log boardwalk elevated approximately 12-inches across approximately 5,470 feet of wetlands within the Twomile Run Watershed (HQ-CWF) and to construct and maintain an 8-foot by 12-foot building (bird blind) supported by piers, elevated approximately 2.75 feet above wetlands. The project is located on the east side of Burger Road (TR 551) approximately 1.0 mile north of SR 0115 (Blakeslee and Thornhurst, PA Quadrangle, Latitude: 41°6'54"; Longitude: -75°35'36").

**E48-414. TJF Land Development L.L.C.**, 4562 Steuben Road, Bethlehem, PA 18020, in Lower Nazareth Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the Estates at Deer Crossing

Residential Development: 1) To construct and maintain a 108-foot long stream enclosure in a tributary to Monocacy Creek (HQ-CWF) consisting of a 24'x4' concrete box culvert depressed 1-foot below streambed elevation; 2) To construct and maintain a channel change in approximately 1,400 feet of the tributary consisting of relocating and reshaping the channel; 3) To place fill in the floodway of the tributary; 4) To construct and maintain a utility line crossing of a tributary to Monocacy Creek consisting of 6-inch diameter ductile iron waterline; 5) To construct and maintain a utility line crossing of a tributary to Monocacy Creek consisting of 18-inch diameter reinforced concrete stormwater culvert; and 6) To construct and maintain three stormwater outfall structures in the floodway of the tributary. The project is located on the north side of Hanover Road approximately 0.5 mile west of its intersection with SR 0191 (Nazareth, PA Quadrangle, Latitude: 40°41'04"; Longitude: -75°20'22").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E36-882: PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, Baltimore District U.S. Army Corps of Engineers

To remove the existing structure and to construct and maintain a two-span composite prestressed concrete bridge having a clear span of 142.62 feet, a width of 33.4 feet, and a minimum underclearance of 4.92 feet across Muddy Run (TSF, MF) for the purpose of improving transportation safety and roadway standards. The project is located along Dry Tavern Road in Brecknock and East Earl Townships, **Lancaster County** (Terre Hill, PA Quadrangle; N: 9.2 inches, W: 7.1 inches; Latitude: 40°10'32", Longitude: 76°3'3"). The project involves approximately 292 linear feet of streambank stabilization.

**E67-889: PA Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, Baltimore District U.S. Army Corps of Engineers

Along SR 2011 in Lower Windsor Township, York County, at approximately Segment 0010 Offset 2034 (Red Lion, PA Quadrangle; N: 21.0 inches, W: 6.4 inches; Latitude: 39°59'26"; Longitude: 76°32'44"), the applicant proposes to: 1) remove four existing structures from three separate unnamed tributaries to Canadochly Creek (WWF, MF), 2) to construct and maintain a single crossing of an unnamed tributary to Canadochly Creek (WWF, MF) consisting of a 73.7 feet long by 10.0 feet wide by 6.0 feet high box culvert with upstream and downstream wingwalls and associated rock aprons all uniformly depressed 12.0 inches with alternating baffles, 3) construct and maintain a 70.0-foot long by 3.0-foot diameter HDPE plastic pipe culvert in an unnamed tributary to Canadochly Creek (WWF, MF), 4) relocate and maintain a combined total of 358.0 linear feet of three separate unnamed tributaries to Canadochly Creek (WWF, MF) as part of this road realignment and structure replacement project, and 5) construct and maintain two stormwater outfalls to two separate unnamed tributaries to Canadochly Creek (WWF, MF) all for the purpose of improving transportation safety and roadway standards.

Along SR 2011 in Lower Windsor Township, York County, at approximately Segment 0030 Offset 0701 (Red Lion, PA Quadrangle; N: 22.3 inches, W: 5.8 inches; Latitude: 39°59'52", Longitude: 76°32'30"), the applicant proposes to remove the existing structure and to construct and maintain a 32.0-foot long by 8.0-foot wide by 5.0-foot



high box culvert with upstream and downstream wingwalls and associated rock aprons all uniformly depressed 12.0 inches with alternating baffles in Canadochly Creek (WWF, MF) for the purpose of improving transportation safety and roadway standards.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

**E62-08-001, PAPCO, Inc.**, P. O. Box 627, Warren, PA 16365. Lot 49, in Mead Township, **Warren County**, United States Army Corps of Engineers Pittsburgh District (Clarendon, PA Quadrangle N: 9.6 inches; W: 12.7 inches).

The PAPCO Lot 49 project is located south of Browns Run in the Allegheny National Forest in Mead Township, **Warren County**. The applicant proposes to construct 2,869 linear feet of roadway with well pads and install pipeline for oil and gas within the roadway. The total acreage proposed to be disturbed is 2.95 acres. The water obstructions and encroachments associated with the project include the construction and maintenance of two pipeline/road stream crossings of a UNT to Browns Run (EV) and four pipeline/road crossings of PEM EV wetlands, resulting in a permanent impact of 107 feet of stream and 0.103 acre of wetland. The construction of 0.103 acre of PEM wetland is proposed as mitigation for wetland impacts. The water obstructions and encroachments for the purpose of installing the roadways and pipeline are described below:

(1) Wetland A: Construction of a permanent road crossing and a 2" diameter plastic gathering line to be installed by open trench under a palustrine emergent (PEM) EV wetland. Impacted area: 281 square feet; (41° 48' 15" N, 79° 00' 32" W).

(2) Wetland B: Construction of a permanent road crossing with a 12" culvert and a 2" diameter plastic gathering line to be installed by open trench under a palustrine emergent (PEM) EV wetland. Impacted area: 624 square feet; (41° 48' 15" N, 79° 00' 31" W).

(3) Wetland C: Construction of a permanent road crossing with 24" culvert at Stream Crossing #3 and a 2" diameter plastic gathering line to be installed by open

trench under a palustrine emergent (PEM) EV wetland. Impacted area: 2623 square feet; (41° 48' 16" N, 79° 00' 28" W).

(4) Wetland F: Construction of a permanent road crossing with a 12" culvert to be installed in a palustrine emergent (PEM) EV wetland. Impacted area: 956 square feet; (41° 48' 13" N, 79° 00' 30" W).

(5) Stream Crossing #3: Construction of a permanent road crossing with a 49.5 foot long, 24 inch diameter culvert and a 2" diameter plastic pipeline to be installed by open trench across an unnamed tributary to Browns Run (EV). Impacted area: 297 square feet; (41° 48' 15" N, 79° 00' 28" W).

(6) Stream Crossing #4: Construction of a permanent road crossing with a 57.7 foot long, 12 inch diameter culvert and a 2" diameter plastic pipeline to be installed by open trench across an unnamed tributary to Browns Run (EV). Impacted area: 173 square feet; (41° 48' 15" N, 79° 00' 22" W).

#### STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

#### SSIP

Application No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
11005	Halliburton Energy Services, Inc. 10200 Bellaire Blvd. Houston, TX 77072-5206 Attn: Brian Jernigan	Lycoming	Clinton Township	10 ASTs storing drilling fluids and base oil	315,000 gallons total

#### ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).



<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## **I. NPDES Renewal Permit Actions**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114961 (Sewage)	Hughesville-Wolf Township Joint Municipal Authority 547 Woolen Mill Road Hughesville, PA 17737-9091	Lycoming County Wolf Township	Muncy Creek (10-D)	N

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0096369 Sewage	Valley Hi MHP R. R. 2 Box 267 Ruffsedale, PA 15679	Westmoreland County East Huntingdon Township	UNT of Buffalo Run	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0104213	Pleasantview Conservative Mennonite Church Pleasantview Mennonite Hall 3488 County Line Road Cochranton, PA 16314	Mercer County French Creek Township	Unnamed tributary of Foult Run 16-D	Y

## **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**NPDES Permit No. PA0027294 Amendment No. 2**, Sewage, **Bristol Borough Water & Sewer Authority**, 250 Pond Street, Bristol, PA 19007.

This proposed facility is located in Bristol Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to add Ammonia limit and quarterly monitoring for BIS (-Ethylhexyl) phthalate from a facility known as Bristol Borough WPC Plant to Otter Creek, a Tributary to the Delaware River in Watershed 2E.

**NPDES Permit No. PA0244058**, Sewage, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944-4163.

This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 8,000 gpd of treated sewage from a sewage treatment plant serving Deep Run Development into Deep Run Creek in Watershed 2-D.

**NPDES Permit No. PA0244066**, Sewage, **Bedminster Municipal Authority**, 432 Elephant Road, Perkasio, PA 18944.

This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 60,000 gpd of treated sewage from a sewage treatment plant serving the Pennland Farms Development into Deep Run in Watershed 2-D.

**NPDES Permit No. PA0031771**, Sewage, **Westtown Township**, PO Box 79, Westtown, PA 19395-0079.

This proposed facility is located in Westtown Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Westtown-Chester Creek STP to East Branch Chester Creek in Watershed 3-G.

**NPDES Permit No. PA0030970**, Sewage, **Cheyney University of Pennsylvania**, Box 260, Cheyney, PA 19319.

This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.27 mgd of treated sewage from a facility known as Cheyney University STP to East Branch Chester Creek in Watershed 3-G.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**NPDES Permit No. PA0042951**, Sewage, SIC Code 4952, **Schuylkill County Municipal Authority**, 221 S. Center Street, Pottsville, PA 17901.

This existing facility is located in Tremont Township, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**NPDES Permit No. PA0010782, Amendment No. 1**, Industrial Waste, **GenOn REMA, LLC, (Titus Energy Station)**, 121 Champion Way, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**NPDES Permit No. PA0110540**, Industrial Waste, SIC Code 2033, **Furman Foods Inc.**, P. O. Box 500, Northumberland, PA 17857-500.

This existing facility is located in Point Township, **Northumberland County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an expanded discharge of treated Industrial Waste.

**NPDES Permit No. PA0233927**, SIC Code 4952, **Lewis Township Northumberland County**, 1428 Rovendale Drive, Watsontown, PA 17777.

This proposed facility will be located in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage from a proposed small flow treatment facility which will serve 8 residences.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0032760**, Sewage, **Amendment No. 1, Pennsylvania Department of Transportation**, P. O. Box 3060, Harrisburg, PA 17105-3060.

This existing facility is located in Deer Creek Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an amendment of an NPDES permit for an existing discharge of treated sewage from a highway rest area, to add a compliance schedule to achieve the final total phosphorus limit.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0676206, Amendment 11-1**, Industrial Waste, **GenOn REMA, LLC**, (Titus Energy Station), 121 Champion Way, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0676207, Amendment 11-1**, Industrial Waste, **GenOn REMA, LLC**, (Titus Energy Station), 121 Champion Way, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0678202, Amendment 11-1**, Industrial Waste, **GenOn REMA, LLC**, (Titus Energy Station), 121 Champion Way, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0686402, Amendment 11-1**, Industrial Waste, **GenOn REMA, LLC**, (Titus Energy Station), 121 Champion Way, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0687201, Amendment 11-1**, Industrial Waste, **GenOn REMA, LLC**, (Titus Energy Station), 121 Champion Way, Canonsburg, PA 15317-5817.

This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**WQM Permit No. WQG02171001**, Sewerage SIC-4952, **Sandy Township**, 1094 Chestnut Avenue P. O. Box 267, Dubois, PA 15801

This proposed facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: A new sewer extension and a pump station consisting of 4" SDR 21 PVC force main, 8" SDR 35 gravity sewer line, and a duplex pump station. The estimated discharge is 26,000 GPD (0.026 MGD).

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG018800**, Sewage, David Milford, 127 Hadley Road, Greenville, Pa 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA*

**WQM Permit No. 2398405**, Sewerage, Renewal, **Brandywine Operating Partnership, LP**, 555 East Lancaster Avenue, Radnor, PA 19087.

This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Renewal of continued operations of three sewage treatment facilities. All three plants serve corporate offices at the Newtown Square Corporate Center.

**WQM Permit No. 1596404**, Sewerage, Renewal, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in East Bradford Township, **Chester County**.

Description of Action/Activity: Permit renewal for continued operation of a sewage treatment plant with spray irrigation.

**WQM Permit No. 4611401**, Sewerage, **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676.

This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Action/Activity: To demolish and replace the existing Valley Forge Interchange Pump Station. The pump station serves the interchange maintenance building.

**WQM Permit No. 46410404**, Sewerage, **Upper Moreland-Hatboro Joint Sewer Authority**, P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090.

This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Action/Activity: Addition of tertiary treatment using the CoMag treatment process for nutrient reduction using ballasted clarification after the existing secondary clarification at the Upper Moreland-Hatboro Joint Sewer Authority WWTP.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4707.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI032805006R	S & A Custom Built Homes, Inc. (Kingswood Subdv.) 2011 W. Trindle Rd. Carlisle, PA 17013	Franklin	Guilford Twp.	Falling Spring Branch; HQ/CWF

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041410003	John Rhodes ADG Hospital Drive Assoc. 1300 Market St, PO Box 622 Lemoyne, PA 17043	Centre	College Township	Spring Creek HQ-CWF
PAI041410009	Chris Summers Copper Beech Townhomes 2590 Park Center Blvd, Ste 200 State College, PA 16801	Centre	Benner Township	UNT to Buffalo Run HQ-CWF

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI045311001	Michael Zent West Penn Holdings LP 4257 Gibsonia Rd. Gibsonia, PA 15044	Potter	Ulysses Township	Nine Mile Branch of Pine Creek HQ

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301 (724-228-6774)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI056310010-1	Chris Sidick 104 Wilson Avenue Cecil, PA 15321	Washington	North Strabane Township	Unnamed Tributary to Little Chartiers Creek. (HQ-WWF)

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724-837-5271)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI056511001	Pennsylvania Department of Transportation, District 12-0 Attn: Rachel Duda 825 North Gallatin Avenue Uniontown, PA 15401	Westmoreland	Washington Township	Thorn Run and Unnamed Tributary to Bear Run Creek. (HQ-WWF)

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).



**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hanover Twp. Luzerne Co.	PAG02004010018	Mericle 2 Great Valley, LLC Robert Mericle 100 Baltimore Drive Wilkes-Barre PA 18702	Garringers Creek (CWF, MF) UNT to Garringers Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Foster Twp. Luzerne Co.	PAG02004010023	Michael E. Kotch 450 Ridge Street Freeland, PA 18224	Black Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Jenkins Twp. Luzerne Co.	PAG02004010021	"Ten of Us" Joseph M. Lombardo 49 Broad Street, Su. 4 Pittston, PA 18640	Susquehanna River (WWF, MF)	Luzerne Co. Conservation District 570-674-7991
Salisbury Twp. Lehigh Co.	PAG02003910016	Glenn Suit County of Lehigh 17 S. 17th St. Allentown PA 18101	Lehigh River (WWF, MF)	Lehigh Co. Conservation District 610-391-9583
South Whitehall Twp. Lehigh Co.	PAG02003910007	Stuart Krawitz Tom Mirth K & M Associates 496 Lone Lane Allentown PA 18104	Jordan Creek (TSF, MF)	Lehigh Co. Conservation District 610-391-9583
Stroudsburg Boro. Monroe Co.	PAG02004510005	Conahan-Weiss Investment Co. 1 Veterans Way Stroudsburg, PA 18360	McMichael's Creek (TSF, MF)	Monroe Co. Conservation District 570-629-3060
Straban Township, Adams County	PAG02000111002	Dave Nett Gettysburg Area S.D. 900 Biglerville Rd. Gettysburg, PA 17325	Rock Creek/ WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lewistown Borough, Mifflin County	PAG2004411001	Mann Edge Terrace Elderly Housing Development, Rob Postal, MCIDC, MCDIC Plaza, 6395 SR 103N, Bdlg. 5 Lewistown, PA 17044	UNT to Kish Creek, CWF	Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009, 717-248-4695
Athens Township Bradford County	PAG2000811002	Dan Sparks Chesapeake Land Devel Company LLC PO Box 18496 Oklahoma City, OK 73154	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Rush Township Centre County	PAG2001411001	Merlin Bock Moshannon Valley Joint Sewer Authority 829 N. 9th St. Philipsburg, PA 16866	Moshannon Creek TSF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
City of Lock Haven Clinton County	PAG2001811003	Lock Haven University 95 W. Fourth St. Lock Haven, PA 17745	West Branch of Susquehanna River WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Armstrong County East Franklin Township	PAG02000310005	West Kittanning Associates, LP 2127 Innerbelt Business Center Drive, Suite 200 St. Louis, MO 63114	Unnamed Tributary to Allegheny River (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 724-548-3435
Beaver County City of Aliquippa	PAG02000411003	Troy Jordan Blanchard & Calhoun Commercial 2743 Perimeter Parkway Augusta, GA 30909	Ohio River (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 724-378-1701
Fayette County Luzerne Township	PAG02002606002-R	PA Turnpike Commission Frank J. Kempf PO Box 67676 Harrisburg, PA 17106	Rush Run & Cox Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
Fayette County Redstone Township	PAG02002610014	Terrance C. Shallenberger, Jr. 195 Enterprise Lane Connellsville, PA 15425	Rowes Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
Washington County East Finley Township	PAG02006310013-1	Consol Penna. Col Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	Templeton Fork (TSF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Adams Township  
Butler CountyPAG02 0010 06  
004RRobert Brennan  
Brennan Builders Inc  
120 Brennan Lane  
Evans City PA 16033Breakneck Creek  
WWFButler Conservation  
District  
724-284-5270Port Allegheny  
Borough  
McKean County

PAG02 0042 11 001

Pittsburgh Corning  
2700 W 16th Street  
Sedalia MO 65301Allegheny River  
CWFMcKean  
Conservation District  
814-887-4001City of Sharon  
Mercer County

PAG02 0043 11 001

Sharon Ciy School District  
John J Sarandrea  
215 Forker Blvd  
Sharon PA 16146

Pine Run WWF

Mercer Conservation  
District  
724-662-2242*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Bridgewater Twp.  
Susquehanna County

PAR312201

GasSearch Drilling Svc Corp.  
466 Airport Industrial Park  
Parkersburg, WV 26104-9778UNT to Pettis Creek  
(WWF, MF)PA DEP Northeast  
Regional Office  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
570-826-2511York County /  
Manchester Township

PAR113536

Souriau USA, Inc.  
25 Grumbacher Road  
York, PA 17402UNT Little  
Conewago Creek /  
TSF / 7FDEP—SCRO—WQ  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707Cumberland County /  
Lower Allen  
Township

PAR233530

Lower Allen Township (Leaf  
Composting Site)  
2233 Gettysburg Road  
Camp Hill, PA 17011Cedar Run / CWF /  
7EDEP—SCRO—WQ  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707Bloomsburg Borough  
Columbia County

PAR134801

Rieter Automotive North  
America, Inc.  
480 W 5th Street  
Bloomsburg, PA 17815Unnamed Tributary  
to Fishing Creek—  
5-CDEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664Jersey Shore Borough  
Lycoming County

PAR234806

West Pharmaceutical Services  
347 Oliver Street  
Jersey Shore, PA 17740-1923West Branch  
Susquehanna  
River—10-ADEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664Burnside Township  
Clearfield County

PAR804883

RJ Corman Railroad Co. PA  
Lines  
P. O. Box 788  
Nicholasville, KY 40340West Branch  
Susquehanna  
River—8-BDEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Snow Shoe Township  
Centre County

PAR804878

FedEx Freight, Inc.  
2200 Forward Drive  
DC: 2219  
Harrison, AR 72601

Unnamed Tributary  
of North Fork Beech  
Creek—9-C

DEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

Emporium Borough  
Cameron County

PAR114804

General Electric Company  
55 Pine Street  
Emporium, PA 15834

Driftwood Branch  
Sinnemahoning  
Creek—8-A

DEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

Milton Borough  
Northumberland  
County

PAR204826

Milton Steel Inc.  
6 Canal Street  
Milton, PA 17847-1515

West Branch  
Susquehanna  
River—10-D

DEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

Plum Borough  
Allegheny County

PAR806236

Rolling Frito-Lay Sales, LP  
408 Inverhaddon Trail  
Bel Air, MD 21014

UNT of Thompson  
Run

Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412-442-4000

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Hempfield Township  
Mercer County

PAG041031

David Milford  
127 Hadley Road  
Greenville, PA 16125

Unnamed tributary  
of the Little  
Shenango River  
20-A

DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

*General Permit Type—PAG-7*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Salisbury Township  
Lancaster County

PAG070003  
PAG070005  
PAG073508

Synagro  
1605 Dooley Road  
PO Box B  
Whiteford, MD 21160

Eli Smucker Farm  
317 Springville Road  
Kinzers, PA 17535

DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707



*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Salisbury Township  
Lancaster CountyPAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG080021  
PAG082203  
PAG082211  
PAG082219  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG083605  
PAG086106  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903  
WMGR-099Synagro  
1605 Dooley Road  
PO Box B  
Whiteford, MD 21160Eli Smucker Farm  
317 Springville Road  
Kinzers, PA 17535DEP-SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Walker Township,  
Schuylkill County

PAG122206

Duane Koch  
Koch's Turkey Farm  
416 Valley Road  
Tamaqua, PA 18252Cold Run, Aquatic  
Life/ HQ-CWF,MF  
Beaver Creek,  
Aquatic Life/  
HQ-CWF,MFPA DEP  
Northeast Reg. Office  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
570-826-2511

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form

and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Broc Troxell 250 Showers Rd. New Columbia PA 17856	Union	76.3	741.13	Swine	NA	Approved

#### PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### SAFE DRINKING WATER

##### **Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

##### **Permit No. 0910520** Public Water Supply

Applicant	<b>Perkasie Borough Authority</b> 306 North Fifth Street Perkasie, PA 18944-1465
Borough	Perkasie

County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Anderson Engineering 306 N. Fifth Street 2nd Floor Perkasie, PA 18944
Permit to Construct Issued	July 9, 2010

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

##### **Permit No. 5010507**, Public Water Supply.

Applicant	<b>Arbor Manor Apartments</b>
Municipality	Watts Township
County	<b>Perry</b>
Responsible Official	Eugene E. Wilson, Partner 194 Richwine Road Unit 4 Shermans Dale, PA 17090
Type of Facility	Sodium hypochlorite and chlorine contact pipe installation.
Consulting Engineer	Max E Stoner, P.E. Glance Associates, Inc. 3705 Trindle Rd Camp Hill, PA 17011
Permit to Construct Issued:	3/15/2011

##### **Permit No. 3611513 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Denver Borough</b>
Municipality	Denver Borough
County	<b>Lancaster</b>
Responsible Official	Michael Hession, Borough Manager 501 Main Street Denver, PA 17517
Type of Facility	Installation of new sodium hypochlorite disinfection system and demonstration of 4-log treatment of viruses.

Consulting Engineer Farley F Fry, P.E.  
Hanover Engineering Associates,  
Inc.  
20-C Snyder Lane  
Ephrata, PA 17522-9101

Permit to Construct 3/15/2011  
Issued:

**Permit No. 3611512 MA, Minor Amendment, Public Water Supply.**

Applicant **Leola Sewer Authority**  
Municipality Upper Leacock Township  
County **Lancaster**  
Responsible Official 1—Not Available, PA  
Type of Facility Installation of chlorine contact  
piping and demonstration of  
4-log treatment of viruses for EP  
101.

Consulting Engineer 1—Not Available  
Permit to Construct 3/15/2011  
Issued:

**Permit No. 3810509 MA, Minor Amendment, Public Water Supply.**

Applicant **Fredericksburg Sewer &  
Water Authority**  
Municipality Bethel Township  
County **Lebanon**  
Responsible Official Scott A Lutz, Operations  
Supervisor  
Po Box 161  
113 East Main Street  
Fredericksburg, PA 17026

Type of Facility GWR 4-Log treatment of viruses  
for EP 101. Modifications to the  
reservoir supply piping.

Consulting Engineer Paul Lutzkanin, P.E.  
Steckbeck Engineering &  
Surveying Inc.  
279 North Zinns Mill Road  
113 East Main Street  
Lebanon, PA 17042

Permit to Construct 3/18/2011  
Issued:

**Permit No. 3610533, Public Water Supply.**

Applicant **Western Heights Water  
Authority**  
Municipality Earl Township  
County **Lancaster**  
Responsible Official Fred Wissler, Chairman  
517 North Railroad Avenue  
New Holland, PA 17557

Type of Facility Construction of Well No. 5 with  
associated nitrate treatment and  
38,000 gallon system storage

Consulting Engineer Gary Martin, P.E.  
Gennett Flemming, Inc.  
101 Millersville Rd  
Lancaster, PA 17603

Permit to Construct 3/18/2011  
Issued:

**Permit No. 0110514 MA, Minor Amendment, Public Water Supply.**

Applicant **Biglerville Borough Authority**  
Municipality Butler Township  
County **Adams**  
Responsible Official Doug Hays, W/WW Operator  
33 Mussleman Avenue  
Butler, PA 17307

Type of Facility GWR 4-log treatment for viruses  
at EP 105 (Well No. 5). This  
includes the construction of a  
new treatment building and the  
installation of new transmission  
main to serve as chlorine  
contact.

Consulting Engineer Craig J Zack, P.E.  
KPI Technology  
143 Carlisle Street  
Gettysburg, PA 17325

Permit to Construct 4/21/2011  
Issued:

**Permit No. 3611509 MA, Minor Amendment, Public Water Supply.**

Applicant **Borough of Lititz**  
Municipality Lititz Borough  
County **Lancaster**  
Responsible Official Sue Ann Barry, Borough  
Manager  
7 South Broad Street  
Lititz, PA 17543

Type of Facility Kissel Hill Booster Station fire  
pump upgrade

Consulting Engineer Steven E Riley, P.E.  
Entech Engineering, Inc  
PO Box 32  
Reading, PA 19603

Permit to Construct 3/21/2011  
Issued:

**Permit No. 3611510 MA, Minor Amendment, Public Water Supply.**

Applicant **Blue Ball Water Authority**  
Municipality East Earl Township  
County **Lancaster**  
Responsible Official Aaron Newswanger, Authority  
Chairman  
4610 Division Highway  
East Earl, PA 17519

Type of Facility Installation of Chlorine Contact  
Piping

Consulting Engineer Timothy J Glessner, P.E.  
Gannett Fleming, Inc.  
207 Senate Avenue  
Camp Hill, PA 17011

Permit to Construct 3/18/2011  
Issued:

**Operations Permit** issued to: **Bedford Township Municipal Authority**, 4050037, Bedford Township, **Bedford County** on 3/17/2011 for the operation of facilities approved under Construction Permit No. 0509501 MA.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 3060134, Marion Township, **Berks County** on 3/11/2011 for the operation of facilities submitted under Application No. 0610545 MA.

**Operations Permit** issued to: **Mill Creek Area Municipal Authority**, 4310050, Brady Township, **Huntingdon County** on 3/16/2011 for the operation of facilities submitted under Application No. 3110505 MA.

**Operations Permit** issued to: **Dover Township**, 7670073, Dover Township, **York County** on 3/18/2011 for the operation of facilities submitted under Application No. 6710520 MA.

**Operations Permit** issued to: **Borough of Fleetwood**, 3060029, Fleetwood Borough, **Berks County** on 3/11/2011 for the operation of facilities approved under Construction Permit No. 0610510.

**Operations Permit** issued to: **Urban Perry Manor LLC**, 7500026, Oliver Township, **Perry County** on 3/15/2011 for the operation of facilities approved under Construction Permit No. 5010502.

**Operations Permit** issued to: **Terre Hill Borough**, 7360119, Terre Hill Borough, **Lancaster County** on 3/18/2011 for the operation of facilities approved under Construction Permit No. 3610538 MA.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant	<b>Centre Hall Borough Water Department</b>
[Township or Borough]	Centre Hall Borough
County	<b>Centre</b>
Responsible Official	Kenneth Strouse, Supervisor Centre Hall Borough Water Department P. O. Box 54 Centre Hall, PA 16828
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	March 14, 2011
Description of Action	4-log inactivation of viruses at Entry Point 102 (Well Nos. 8, 9 and 11).

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant	<b>Treasurer Lake Water System</b>
[Township or Borough]	Sandy Township
County	<b>Clearfield</b>
Responsible Official	Mr. Edward J. Sulin, Jr. Total Environmental Solutions, Inc. 906 Beaver Drive DuBois, PA 15801
Type of Facility	Public Water Supply

Consulting Engineer	N/A
Permit Issued Date	March 16, 2011
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well N-12), Entry Point 102 (Well N-4), Entry Point 103 (Well N-14), Entry Point 105 (Well N-23) and Entry Point 106 (Well N-32).

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant	<b>Catawissa Municipal Water Authority</b>
[Township or Borough]	Catawissa Borough
County	<b>Columbia</b>
Responsible Official	Cindy Bachman, Manager Catawissa Municipal Water Authority 19 Schoolhouse Road P. O. Box 54 Catawissa, PA 17820
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	March 17, 2011
Description of Action	Replacement of the gas chlorination system with calcium hypochlorite system.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant	<b>Montgomery Water and Sewer Authority</b>
[Township or Borough]	Montgomery Borough
County	<b>Lycoming</b>
Responsible Official	Jerry Yeagle, Operator Montgomery Water and Sewer Authority 35 South Main Street Montgomery, PA 17752
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	March 18, 2011
Description of Action	4-log inactivation of viruses at Entry Points 101 and 103 (Well #1 and #3).

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant	<b>Bradford County Manor</b>
[Township or Borough]	West Burlington Township
County	<b>Bradford County</b>
Responsible Official	Paul Pasko, Operator Bradford County Manor R. R. 3, Box 322 Troy, PA 16947
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	March 18, 2011
Description of Action	4-log inactivation of viruses at Entry Point 100 (Well No. 1)



*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 0210520, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive PO Box 888 Hershey, PA 17033
[Borough or Township]	Baldwin Borough and the City of Pittsburgh
County	<b>Allegheny</b>
Type of Facility	Water system
Consulting Engineer	Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011-2316
Permit to Construct Issued	March 16, 2010

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID #5300017) Perry, Wayne and Center Townships, **Greene County** on March 16, 2010 for the operation of facilities approved under Construction Permit # 3007501.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 1610501, Public Water Supply**

Applicant	<b>East Brady Borough</b>
Township or Borough	East Brady Borough
County	<b>Clarion County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Ken Orie, PE
Permit to Construct Issued	03/14/2011

**Operations Permit** issued to **City of Oil City, PWSID, #6610023**, Oil City, **Venango County**. Permit Number 6192502-MA1 issued March 17, 2011, for operation of the 4-Log treatment of viruses for Entry Point 107 at the treatment facilities in Oil City PA. This permit action is taken under the requirements of the Groundwater Rules and is applied to operation permit 6192502, issued August 29, 1994.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act**

*Southeast Region: Water Management Program Manager, 2 E. Main Street, Norristown, PA 19401*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wallace Township	1250 Creek Road PO Box 670 Glenmoore, PA 19343	Chester

*Plan Description*—On March 16, 2011, the Southeast Regional Office approved the official sewage facilities plan titled Indiantown Road Low Pressure Sewers, as prepared by Hydraterra Professionals, LLC, dated September 2, 2010, last revised December 21, 2010. The plan provides for the connection of 4 existing properties to public sewers

owned and operated by the Wallace Township Municipal Authority. The plan also contemplates the future connection of up to 2 existing dwelling units for a total annual average flow of 1,350 gallons per day.

**BIOSOLIDS INDIVIDUAL PERMITS**

**(PABIG, SSN and PABIS)**

The Department has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**PABIS 4821. Leslie's Septic Service**, Pike Township, **Potter County**. Leslie's Septic Service, 491 Yahn Road Galetton, PA 16922 is approved to beneficially use their biosolids on the Circle H farm in Pike Township, Potter County.

**HAZARDOUS SITES CLEAN-UP  
UNDER THE ACT OF  
OCTOBER 18, 1988**

**Public Notice of Proposed Consent  
Order and Agreement  
Keystone Ordnance Works Site  
Greenwood Township, Crawford County**

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. § 6020.1113, notice is hereby provided that the Pennsylvania Department of Environmental Protection ("Department") has agreed to a Consent Order and Agreement ("Agreement") with Larry G. Kebert concerning the resolution of his liability for the releases at the wastewater treatment plant located within the Keystone Ordnance Works Site ("Site"). The Site is located within a former munitions manufacturing plant in Greenwood Township, Crawford County, Pennsylvania where the associated wastewater treatment plant's trickling filter media and wastewater sludge became contaminated by mercury released from the apparatus in the plant.

In the past, mercury was discharged or released into the wastewater treatment plant's filter media and wastewater treatment sludge at the Site. Mercury is defined in Section 101 of CERCLA, 42 U.S.C. § 9601 and Section 103 of HSCA, 35 P.S. § 6020.103 as a "hazardous substance". The Department has already incurred \$586,426.61 in response costs to abate the release and threatened release of hazardous substances at the Site. Larry G. Kebert is a "responsible person" as defined in Section 103 of HSCA, 35 P.S. § 6020.103. Under the terms of the Agreement, Larry G. Kebert shall pay the Department a settlement, in the amount of \$45,000 to resolve his liability at the Site.

The specific terms of this settlement are set forth in the Agreement between Larry G. Kebert and the Department. The Department will receive and consider comments relating to the Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with Larry G. Kebert shall be effective upon the date that the Department notifies Larry G. Kebert, in writing, that the Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, Pennsylvania. Comments may be submitted, in writing, to Mr. James W. Weaver, Environmental Protection Specialist, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mr. Weaver at 814-332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 800-645-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report,

risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Venezia Hauling, Inc., AKA Chemical Leaman Tank Lines, Inc., Quality Carriers, Inc.**, 3987 Easton-Nazareth Road (Route 248), Lower Nazareth Township, **Northampton County**. Ryan B. Beebe, Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Venezia Hauling, Inc., P.O. Box 909, Royersford, PA 19468), concerning the remediation of soil found to have been impacted by VOCs as a result of historic wastewater containment operations at the site. The combined report was submitted to document attainment of the Site-Specific Standard for soil. A public notice regarding the submission of the combined Remedial Investigation Report/Final Report was published in *The Morning Call* on March 3, 2011.

**Rosenkrance Property**, Lot 57033 Loomis Lake Road, Lenox Township, **Susquehanna County**. James P. Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, Robert Rosenkrance, 700 University Avenue, Endwell, NY 13760), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release due to over pressurization during the filling of two 275-gallon aboveground storage tanks. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in the *Susquehanna County Transcript* on February 23, 2011.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Mary Kaylor Residence**, Mr. Joy Township, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Ms. Mary Kaylor, 1020 Ridge Road, Elizabethtown, PA 17022, and Tim Dulany, 411 Highlawn Avenue, Elizabethtown, PA 17022 submitted a Statewide Health Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**ARG Refinery (Foster Brook Facility South)**, City of Bradford, **McKean County**. MACTEC Engineering and Consulting, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of ARG Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701 and Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749 has submitted a Risk Assessment Report concerning remediation of site soil and site groundwater contaminated with antimony, lead, selenium, benzene, arsenic, in addition to other petroleum refining related VOCs, SVOCs, and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**UGI/PG Energy Former Scranton Green Ridge Gas Holder Site**, Albright Avenue and Marion Street, Scranton City, **Lackawanna County**. Under a Consent Order and Agreement, John Roberts, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 originally submitted a Remedial Investigation Report and a Cleanup Plan (on behalf of his client, UGI Penn Natural Gas, Inc., P.O. Box 12677, Reading, PA 19612-2677), concerning the remediation of soil and groundwater found to have been impacted by arsenic and benzo(a)pyrene and the remediation of soil found to have been impacted by lead. The impact is due to the historical operations at a former storage facility of manufactured coal gas. The reports documented attainment of the Statewide Health Standard for soil and groundwater and the Site-Specific Standard for soil. The Remedial Investigation Report was approved on June 15, 2010, and the Cleanup Plan was approved on August 17, 2010. At this time, the client is proceeding under ACT 2, seeking Relief of Liability.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Norfolk Southern Enola Railyard / Former Lagoon Area**, East Pennsboro Township, **Cumberland County**. AECOM, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222, on behalf of Norfolk Southern Corporation, 110 Franklin Road, SE, Box 13, Roanoke, VA 24042-0013, and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416, submitted a Risk Assessment Report concerning remediation of site soils and groundwater contaminated with inorganics, VOCs, SVOCs and chlorinated solvents. The applicant proposes to remediate the site to the Site Specific standard. The Report was approved by the Department on March 21, 2011.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**ExxonMobile USA Indiana Terminal**, White Township, **Indiana County**. Groundwater & Environmental Services, Inc. on behalf of ExxonMobile Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801 has submitted a Risk Assessment Report and Addendum concerning the remediation of site soils and groundwater contaminated with various grades of petroleum products. The Risk Assessment Report and Addendum were approved on March 17, 2011.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Hazardous Waste Transporter License Issued*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*



**American Transportation Solutions, LLC.**, 2100 Georgetown Drive, Suite 303, Sewickley, PA 15143. License No. PA-AH 0779. Effective December 29, 2010.

**TMC Services, Inc.**, 1 William Way, Bellingham, MA 02019. License No. PA-AH 0781. Effective January 11, 2011.

**OSI Environmental, Inc.**, 300 Fayal Road, Eveleth, MN 55734. License No. PA-AH 0780. Effective January 12, 2011.

**Neier, Inc.**, 8069 W. Main Street, Coatsville, IN 46121. License No. PA-AH 0777. Effective January 20, 2011.

**Philotechnics, LTD.**, 201 Renovare Blvd, Oak Ridge, TN 37830. License No. PA-AH 0782. Effective March 9, 2011.

*Hazardous Waste Transporter License Renewed*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**FCC Environmental, LLC**, 523 N. Sam Houston Pky E, Suite 400, Houston, TX 77060. License No. PA-AH 0752. Effective December 21, 2010.

**Ferrick Construction Co., Inc.**, 811 Ivy Hill Road, Philadelphia, PA 19150. License No. PA-AH 0473. Effective December 28, 2010.

**Triumvirate Environmental, Inc.**, 61 Inner Belt Road, Somervills, MA 02143. License No. PA-AH 0477. Effective January 3, 2011.

**Lancaster Oil Company**, 1076 Old Manheim Pike, Lancaster, PA 17601. License No. PA-AH 0679. Effective January 5, 2011.

**Elliott Truck Line, Inc.**, P. O. Box 1, 532 South Wilson Street, Vinita, OK 74301. License No. PA-AH 0355. Effective January 13, 2011.

**DTC Environmental Services, Inc.**, 2567 Congo Arroyo Road, Newell, WV 26050. License No. PA-AH 0612. Effective January 19, 2011.

**The Pennohio Corporation**, 4813 Woodman Avenue, Ashtabula, OH 44004. License No. PA-AH0618. Effective January 20, 2011.

**Tier De, Inc.**, 5745 Lincoln Highway, Gap, PA 17527. License No. PA-AH 0680. Effective January 26, 2011.

**Clean Harbors Environmental Services**, 42 Longwater Drive, Norwell, MA 02061. License No. PA-AH 0312. Effective January 28, 2011.

**EQ Northeast, Inc.**, P. O. Box 617, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective January 28, 2011.

**Empire Wrecking Company of Reading PA**, 1420 Clarion Street, Reading, PA 19601. License No. PA-AH 0255. Effective February 1, 2011.

**Ashland, Inc.**, 5200 Blazer Parkway, Dublin, OH 43017. License No. PA-AH 0121. Effective February 7, 2011.

**Ecoflo, Inc.**, 2750 Patterson Street, Greensboro, NC 27407. License No. PA-AH 0225. Effective February 7, 2011.

**MCF Systems Atlanta, Inc.**, 5353 Snapfinger Woods Drive, Decatur, GA 30035. License No. PA-AH S240. Effective February 8, 2011.

**Select Transportation, Inc.**, 5055 Nike Drive, Hilliard, OH 43026. License No. PA-AH 0469. Effective February 10, 2011.

**Bethlehem Apparatus Company, Inc.**, P. O. Box Y, 890 Front Street, Hellertown, PA 18055. License No. PA-AH 0681. Effective February 14, 2011.

**Monarch Transport, Inc.**, P. O. Box 330, Woodstown, NJ 08098. License No. PA-AH 0558. Effective February 14, 2011.

**Allstate O.R.C., Inc.**, 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective February 15, 2011.

**Kuhnle Brothers, Inc.**, P. O. Box 375, 14905 Cross Creek Drive, Newbury, OH 44065. License No. PA-AH 0655. Effective February 17, 2011.

**Cambridge Chemical Cleaning, Inc.**, P. O. Box 4220, 1250 W. Elizabeth Avenue, Linden, NJ 07036. License No. PA-AH 0356. Effective February 23, 2011.

**Hukill Chemical Corporation**, 7013 Krick Road, Bedford, OH 44146. License No. PA-AH 0625. Effective February 23, 2011.

**Laidlaw Carriers Tank GP, Inc.**, 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9. License No. PA-AH 0704. Effective February 28, 2011.

**Laidlaw Carriers Bulk GP, Inc.**, 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9. License No. PA-AH 0703. Effective March 1, 2011.

**Nortru, LLC.**, 515 Lycaste, Detroit, MI 48214. License No. PA-AH 0451. Effective March 7, 2011.

*Hazardous Waste Transporter License Voluntarily Terminated*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**On R Own Trucking, Inc.**, 30468 Speidel Road, Hanover, OH 44423. License No. PA-AH 0751. Effective January 1, 2011.

**A & R Logistics, Inc.**, 2223 Empress Road, Joliet, IL 60436. License No. PA-AH 0771. Effective February 14, 2011.

*Hazardous Waste Transporter License Expired*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**R.L. Carter Trucking, Inc.**, 8451 S. State Road 39, Clayton, IN 46118. License No. PA-AH 0662. Effective December 31, 2010.

**Inland Waters of Ohio, Inc.**, 2195 Drydock Avenue, Cleveland, OH 44113. License No. PA-AH 0758. Effective January 31, 2011.



**Assignee for HMHTTC Response, Inc., Norris, McLaughlin & Marcus, A Professional Corporation,** 721 Route 202-206, P. O. Box 5933, Bridgewater, NJ 08807-5933. License No. PA-AH 0554. Effective February 28, 2011.

**Envirotran, Inc.,** 387 Gore Road, Conneaut, OH 44030. License No. PA-AH 0543. Effective February 28, 2011.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Applications received or withdrawn under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

##### *Renewal Applications Received*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**Alpha Bio/Med Services, LLC.,** P. O. Box 304, Leola, PA 17540-0304. License No. PA-HC 0234. Received on January 24, 2011. Medical Waste Recovery, Inc., 9 Broadway, Suite 30, Denville, NJ 07834. License No. PA-AH 0233. Received on January 28, 2011.

**Stericycle, Inc.,** 1525 Chestnut Hill Road, Morgantown, PA 19543-9508. License No. PA-AH 0196. Received on February 16, 2011.

**S-J Transportation Company, Inc.,** P. O. Box 169, Woodstown, NJ 08098. License No. PA-AH 0031. Received on March 14, 2011.

#### **RESIDUAL WASTE GENERAL PERMITS**

**Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.*

*General Permit Application No. WMGR124. P.H. Glatfelter Co., 228 S. Main, St., Spring Grove, PA 17362.*

General Permit Numbered WMGR124 is for the recovery/removal of approximately 500,000 cubic yard of bark and wood waste from a Lime/Bark Landfill in Zone 6 of the Glatfelter facility that is located in North Codorus Township, **York County**. The bark and wood waste will be transported to an off-site facility, after being sampled and tested, for screening, blending and distributing for beneficial use as a mulch material. This residual waste general permit was issued by the Central Office on March 18, 2011.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE**

**Registration Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC001. Waste Management of Pennsylvania, Inc.,** 355 Derr Road Extension, Muncy, PA 177565. Registration to operate under General Permit No. WMGR123 for treatment and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on March 21, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR081D029. Evolution E-Cycling, LLC.,** 1007 Elmhurst Rd., Pittsburgh, PA 15215-1819.

The general permit WMGR081D029 is for the processing (i.e., sizing, shaping, separating, and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the Evolution E-Cycling, LLC. facility, located in the Robinson Township, **Allegheny County**. Central Office approved the determination of applicability on March 18th, 2011.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### **MUNICIPAL WASTE GENERAL PERMITS**

**Permit(s) modified Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 101559 Veolia ES Lancaster Landfill**, 2487 Cloverleaf Rd. Elizabethtown PA 17022. This is a major permit modification to Solid Waste Permit No. 101559 for the operation of Veolia ES Lancaster Landfill, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq. This modification approves an expansion and permit renewal for Veolia ES Lancaster Landfill.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**GP3-22-03079A: Pennsy Supply, Inc.** (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105) on March 14, 2011, for a portable nonmetallic mineral processing plant under GP3, at their Hummelstown Quarry in South Hanover Township, **Dauphin County**.

**GP9-22-03079A: Pennsy Supply, Inc.** (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105) on March 14, 2011, for three (3) diesel-fired internal combustion engines under GP9, to operate stone crushing equipment at their Hummelstown Quarry in South Hanover Township, **Dauphin County**.

**GP15-22-03022: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, PO Box 26, Rheems, Pennsylvania 17570-0026) on March 17, 2011, for addition of four (4) new storage bins and two (2) bin vent collectors under GP15 at their feed mill in Lykens Township, **Dauphin County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP9-49-336A: Contract Crushing, Inc.** (26 Beaver Street, Cogan Station, PA 17728) on March 1, 2011, to construct and operate one 300 hp Caterpillar model C-9 diesel-fired engine, a 99 hp Caterpillar model 3054C diesel-fired engine, a 440 bhp Duetz model BF6M1015CP diesel-fired engine, and a 99 bhp Caterpillar model 3054C diesel-fired engine pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at their facility in Ralpho Township, **Northumberland County**.

**GP3-49-336A: Contract Crushing, Inc.** (26 Beaver Street, Cogan Station, PA 17728) on March 1, 2011, to construct and operate a portable non-metallic mineral crusher with associated water spray dust suppression system and portable non-metallic mineral screen pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing

Plants (BAQ-PGPA/GP-3) at their facility in Ralpho Township, **Northumberland County**.

**GP13-59-176: Glenn O. Hawbaker, Inc.** (450 East College Avenue, Bellefonte, PA 16823) on March 8, 2011, to construct and operate a hot mix asphalt plant pursuant to the General Plan Approval and General Operating Permit (BAQ-GPA/GP-13): Hot Mix Asphalt Plants, at their Lawrenceville facility in Tioga and Lawrence Townships, **Tioga County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-30-00200: Energy Corp. of America** (1380 Route 286 Highway E, Suite 221, Indiana, PA 15701) on March 17, 2011, received authorization to use GP-5 for installation and operation of two (2) Caterpillar G3516B, 1380 bhp ultra lean-burn natural gas-fired engines, each equipped with an exhaust catalyst and automatic air/fuel ratio controller; one (1) NATCO dehydrator, rated at 0.275MMBtu/hr; and one (1) NATCO dehydrator, rated at 0.750MMBtu/hr at their Vecchio Compressor Station in Carmichaels Boro, **Greene County**.

**GP5-30-00192A: Coal Gas Recovery, LLC** (158 Portal Road P. O. Box 1020, Waynesburg, PA 15370) on March 16, 2011, received authorization to use GP-5 for installation and operation of one (1) Caterpillar G3306-TA natural gas engine and one (1) Caterpillar G3408C natural gas engine, each equipped with automatic air/fuel ratio controller and exhaust catalyst, at the DD-8/9 & DD-9S compressor station in Center Township, **Greene County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-315-001F: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745-3348) on March 2, 2011, to modify a paper towel and tissue manufacturing operation to increase the facility's particulate matter emission limitations at their Castanea Township, **Clinton County** facility.

**08-00010C: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on March 3, 2011, to construct and operate process equipment to manufacture luminescent phosphor ingredients (Source IDs P103, P104, P105) and associated control devices (IDs C103A, C104A, C105A) at their facility in North Towanda Township, **Bradford County**. This is a state only facility.

**59-00008A: Tennessee Gas Pipeline Co.** (197 Tennessee Road, Coudersport, PA 16915) on March 2, 2011, to construct a compressor-turbine and emergency generator-engine which will replace those respective sources at their company's Station 315 in Charleston Township, **Tioga County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*



**26-00588: Laurel Mountain Midstream Operating, LLC** (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) on March 21, 2011, to install and begin initial temporary operation of three new ultra lean burn natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts and a new natural gas-fired turbine rated at 16,847 bhp at the Shamrock Compressor Station located in German Township, **Fayette County**. Three existing natural gas-fired compressor engines rated at 1,380 bhp each, one dehydrator (including reboiler) rated for 200 mmscf/day of natural gas, and one produced water tank with a capacity of 467 bbl have previously been authorized for installation under GP5-26-00588A and have been incorporated into this plan approval for a total of six engines, one turbine, one dehydrator, and one produced water tank.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-05002H: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522) on March 15, 2011, to install SNCR NOx controls on the two (2) cement kilns at their cement manufacturing facility in Maiden Creek Township, **Berks County**. The Plan Approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**14-328-002: Dominion Transmission, Inc.** (PO Box 2450, Clarksburg, WV 26302-2450) on March 11, 2011, to authorize construction and operation of a natural gas compressor station until October 1, 2011. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**26-00579: Tri-State Bio Fuels, LLC** (Thompson Recovery Road, Lemont Furnace, PA 15456) March 22, 2011, for a plan approval extension, effective April 1, 2011, with an expiration date of October 1, 2011, at the Lemont Pellet Plant, a wood pellet manufacturing plant in North Union Township, **Fayette County**. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00004: Armstrong World Industries, Inc.** (325 Eagle Valley Road, Beech Creek, PA 16822) on March 11, 2011, to issue a renewal Title V Operating Permit for their Beech Creek Plant in Beech Creek Township, **Clinton County**. The facility's sources include two (2)

natural gas-fired or #2 fuel oil-fired boilers, one (1) small natural gas-fired water heater, one (1) 9-station rotogravure press, one (1) ink mixing and dispensing operation, one (1) make ready operation, one (1) solvent distillation operation, one (1) propane-fired emergency generator, one (1) #2 oil-fired water pump, and three (3) storage tanks. The facility has the potential to emit major quantities of VOCs. The facility has the potential to emit less than major quantities of SOx, NOx, CO, PM (PM10 and PM2.5), VOCs, individual HAPs, and combined HAPs. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**24-00131: SGL Carbon Corp.—St. Marys Plant** (900 Theresia Street, P. O. Box 1030, St. Marys, PA 15857) on March 16, 2011, to Administratively Amend their Title V Operating Permit for this specialty graphite part manufacturing facility, in St. Marys Borough, **Elk County**. The permit is being amended to account for changes authorized by Plan Approval Number 24-0131M and to remove the sources transferred to E-Carbon America, LLC.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00109: Catalyst International, Inc.** (1050 Ashland Avenue, Folcroft, PA 19032) on March 16, 2011, to issue a State Only Operating Permit for laminating operations at their facility in Folcroft Borough, **Delaware County**. Plan Approval, 23-0109A, is being incorporated into the facility synthetic minor initial operating permit, 23-00109. This facility is synthetic minor for Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAPs). This Operating Permit will include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00059: Reilly Finishing Technologies** (130 Alden Road, Nanticoke, PA 18634) a State Only Operating Permit for their plating metals and metal products operation in Nanticoke City, **Luzerne County**. The renewal will include applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section - Telephone: 717-949-7935*

**21-05030: Ahlstrom Filtration, LLC** (122 West Butler Street, Mt. Holly Springs, PA 17065-1218) on March 16, 2011, for their specialty paper manufacturing facility in

Mount Holly Springs Borough, **Cumberland County**. This is a renewal of the State Only Operating permit.

**36-03052: Boose Aluminum Foundry Co., Inc.** (77 North Reamstown Road, PO Box 261, Reamstown, PA 17567-0261) on March 14, 2011, to operate their aluminum foundry in East Cocalico Township, **Lancaster County**. The state-only permit was renewed.

**28-03050: Bri Mar Manufacturing, Inc.** (1080 South Main Street, Chambersburg, PA 17201-3240) on March 11, 2011, for their trailer manufacturing and painting facility in Chambersburg Borough, **Franklin County**. The state-only permit was renewed.

**07-05040: Lumax Industries, Inc.** (Chestnut Avenue & 4th Street, Altoona, PA 16603) on March 10, 2011, to operate their fluorescent lighting fixture manufacturing facility in the City of Altoona, **Blair County**. The state-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00022: Walker Lumber Co., Inc.** (P.O. Box 60, Woodland, PA 16881-0060) on March 3, 2011, to operate their Bigler Plant facility in Bradford Township, **Clearfield County**.

**55-00008: Apex Homes, Inc.** (7172 U.S. Highway 522 North, Middleburg, PA 17842) on March 18, 2011, to operate their modular home facility in Middlecreek Township, **Snyder County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00014: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on March 15, 2011, for an administrative amendment of the Title V permit in Upper Hanover Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**21-03078: Carlisle Coatings and Waterproofing, Inc.** (1275 Ritner Highway, Carlisle, PA 17013-9381) on March 15, 2011, for their rubberized asphalt sheeting manufacturing facility in Carlisle Borough, **Cumberland County**. The state-only operating permit was administratively amended to incorporate the requirements of Plan Approval No. 21-03078B, and 40 CFR Part 63, Subpart AAAAAA, and 40 CFR Part 60, Subpart UU.

**67-03034: B-Way Packaging Corp.** (599 Davies Drive, York, PA 17402-8630) on March 17, 2011, for their metal can manufacturing facility in Springettsbury Township, **York County**. This State Only Operating permit was administratively amended to incorporate the requirements of Plan Approval No. 67-03034A.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00001: Columbia Gas Transmission, Corp.** (1700 MacCorkle Avenue SE, Charleston, WV 25314-1518) issued a revised Title V operating permit on March 17, 2011, for the incorporation of Plan Approval 18-00001B into the Title V operating permit 18-00001. This Renovo compressor station facility is located in Chapman Township, **Clinton County**. The Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**63733706 and NPDES Permit # NA, Maple Creek Mining, Inc.,** (c/o West Virginia Resources, Inc., P.O. Box 278, Gallipolis, OH 45631), to renew the permit for the Ginger Hill Refuse Area 1 in Nottingham Township, **Washington County** for reclamation only. No additional discharges. Application received: March 7, 2006. Permit issued: March 15, 2011.

**32991301 and NPDES Permit # PA0215228, AMFIRE Mining Company, LLC,** (One Energy Place, Latrobe, PA 15650), to revise the permit and related NPDES permit for the Nolo Deep Mine in Buffington Township, **Indiana County** for a new water treatment facility, dewatering borehole, an underground sludge disposal borehole, and new discharge point. Surface Acres Proposed 8.9. Receiving stream: Unnamed tributary to Laurel Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority. Application received: May 6, 2010. Permit issued: March 18, 2011.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32060101 and NPDES No. PA0249891. D J & W Mining, Inc.,** P.O. Box 425, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface mine in Washington Township, **Indiana County**, affecting 80.3 acres. Receiving stream(s): unnamed tributaries



to/and South Branch Plum Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 6, 2011. Permit issued: March 10, 2011.

**32990104 and NPDES No. PA02350509. ABM Mining Company, Inc.,** 3330 Johnston Road, Smicksburg, PA 16256, revision of an existing bituminous surface mine to increase the total permit acres from 112.0 to 118.7 acres, to add 5.8 acres of Lower Freeport Coal (3.4 acres surface/2.4 acres auger), add auger mining to the permit, stream encroachment for a variance to cross UNT No. 4 to Little Mahoning Creek, land use change from forestland to cropland in Grant Township, **Indiana County**, affecting 112.0 acres. Receiving stream(s): unnamed tributaries to Little Mahoning Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 3, 2010. Permit issued: March 10, 2011.

**56090109 and NPDES No. PA0262838. Wilson Creek Energy, LLC,** 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface and auger from Godin Mining, Inc., 128 Colton Drive, Stoystown, PA 15563, located in Lincoln Township, **Somerset County**, affecting 22.6 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery (CWF). There are no potable water supply intakes within 10 miles downstream. Application received: September 17, 2010. Permit issued: March 9, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33100103 and NPDES Permit No. PA0258873. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous strip operation to add 2.0 acres to the surface mining permit in Corsica Borough & Union Township, **Jefferson County** affecting 28.5 acres. Receiving streams: Welch Run. Application received: January 14, 2011. Permit Issued: March 14, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17050104 and NPDES No. PA0256200. Hepburnia Coal Co.** (P. O. Box I, Grampian, PA 16838). Permit renewal for the continued operation of an existing bituminous surface mine located in Chest Township, **Clearfield County** affecting 295.9 acres. Receiving streams: several unnamed tributaries to North Camp Run and North Camp Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 10, 2011. Permit issued: March 9, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**40050201R. HUD, Inc., t/a Emerald Anthracite II,** (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in the City of Nanticoke and Newport Township, **Luzerne County** affecting 83.6 acres, receiving stream: Newport Creek. Application received: February 8, 2010. Renewal issued: March 15, 2011.

**40050201GP104. HUD, Inc., t/a Emerald Anthracite II,** (P. O. Box 27, Nanticoke, PA 18634), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40050201R in the

City of Nanticoke and Newport Township, **Luzerne County**. Application received: January 14, 2011. Permit issued: March 15, 2011.

#### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**50890301 and NPDES Permit No. PA0594431. Eastern Industries, Inc.,** 4401 Camp Meeting Road, Center Valley, PA 18034, renewal of NPDES Permit, Buffalo Township, **Perry County**. Receiving stream(s): unnamed tributary to Susquehanna River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2011. Permit issued: March 14, 2011.

**6875SM5 and NPDES Permit No. PA0595128. Eastern Industries, Inc.,** 4401 Camp Meeting Road, Center Valley, PA 18034, renewal of NPDES Permit, Oliver Township, **Mifflin County**. Receiving stream(s): unnamed tributary to Strodes Run classified for the following use(s): high quality - cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2011. Permit issued: March 14, 2011.

**31100301 and NPDES Permit No. PA0263001. Glass Bagging Enterprises, Inc.,** P. O. Box 120, Duncansville, PA 16635, Hopewell and Liberty Townships, **Huntingdon and Bedford Counties**. Receiving stream(s): unnamed tributaries to Shy Beaver Creek classified for the following uses(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2010. Permit issued: March 10, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14920301 and NPDES No PA0207039. Con-Stone Inc.** (P. O. Box 28, Bellefonte, PA 16823). Renewal of a large non-coal surface mine located in Haines Township, **Centre County** affecting 96.7 acres. Receiving streams: None (infiltration basin discharge to groundwater). Application received: November 5, 2010. Permit issued: March 9, 2011.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**04114001. AED, Inc.** (6645 N. Gavilan Lane, Coeur d'Alene, ID 83815). Blasting activity permit for the demolition of the Phillips Power Plant Boiler #6, located in South Heights Borough and Crescent Township, **Beaver and Allegheny Counties**. The blasting is expected to take place on March 19, 2011. Blasting permit issued: March 16, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**09114101. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for Plumstead Chase Development in Plumstead Township, **Bucks County** with an expiration date of April 1, 2012. Permit issued: March 15, 2011.

**36114115. Gerlach's Drilling & Blasting**, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Alan Harnish Farm in Manor Township, **Lancaster County** with an expiration date of April 1, 2012. Permit issued: March 16, 2011.

**52114103. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for El Paso 300 Line Pipeline in Shohola, Milford and Lackawaxen Townships, **Pike County** with an expiration date of March 31, 2012. Permit issued: March 16, 2011.

**58114105. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for El Paso 300 Line Pipeline in Herrick, Auburn and Clifford Townships, **Susquehanna County** with an expiration date of March 31, 2012. Permit issued: March 16, 2011.

**64114101. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for El Paso 300 Line Pipeline in Mt. Pleasant, Clinton and Dyberry Townships, **Wayne County** with an expiration date of March 31, 2012. Permit issued: March 16, 2011.

**36114117. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Laurel Field in Manheim Township, **Lancaster County** with an expiration date of June 30, 2011. Permit issued: March 17, 2011.

**48114104. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Trio Farms off-site sewer in Upper and Lower Nazareth Townships **Northampton County** with an expiration date of March 8, 2012. Permit issued: March 17, 2011.

**13114102. Maine Drilling & Blasting**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for bridge replacement at Lehigh River & Pohopoco Creek in Mahoning and East Penn Townships, **Carbon County** with an expiration date of March 17, 2012. Permit issued: March 18, 2011.

**36114118. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Landis Run Intermediate School in Manheim Township, **Lancaster County** with an expiration date of December 30, 2011. Permit issued: March 21, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under sec-

tion 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

**E36-831, Veolia ES Lancaster Landfill, LLC**, 2487 Cloverleaf Road, Elizabethtown, PA 17022, Baltimore District U.S. Army Corps of Engineers

To: 1) place and maintain fill in 2.88 acres of PEM/PSS/PFO/POW wetlands, 173.0 linear feet of an unnamed tributary to Shells Run (TSF, MF), and 25.0 linear feet of an unnamed tributary to Shells Run (TSF, MF); 2) install and maintain two 6.0-inch HDPE pipes in and across an unnamed tributary to Shells Run (TSF, MF); 3) enhance 0.56 acre of PEM/PSS/PFO wetland; 4) remove the existing structure and 254.0 cubic yards of fill to restore 0.012 acre of PEM/PSS/PFO wetland; 5) install and maintain 11 log vane, grade control structures in an unnamed tributary to Little Chickies Creek (TSF, MF); 6) create 4.7 acres of replacement wetlands in and along the floodplain of Little Chickies Creek (TSF, MF); 7) enhance 3.3 acres of existing PEM wetlands with vegetative plantings; 8) install and maintain four log vane, grade control structures and rock armoring in and along 1,692.0 feet of Little Chickies Creek (TSF, MF); and 9) remove an existing structure in an unnamed tributary to Little Chickies Creek (TSF, MF) all for the purpose of constructing a 21.6-acre expansion of an existing construction and demolition debris landfill facility. The project is located approximately 0.69 mile northeast of the intersection of Milton Grove Road and Cloverleaf Road (Elizabethtown, PA Quadrangle N: 8.0 inches, W: 4.0 inches; Latitude: 40°10'12", Longitude: -76°31'39") in Mount Joy Township,



Lancaster County. To compensate for wetland impacts, the permittee shall provide a minimum of 4.71 acres of replacement wetlands.

**E67-886, AVA Realty York, LLC**, 3737 Route 46 East at Hill Road, Parsippany, NJ 07054, Baltimore District U.S. Army Corps of Engineers

To construct and maintain an 8.0-foot wide, single span pedestrian bridge having a normal span of 70.0 feet and an underclearance of 12.0 feet across an unnamed tributary to Mill Creek (WWF) for the purpose of providing access to commercial properties. The project is located west of State Route 24 on the northern side of Concord Road, approximately 400.0 feet past the intersection of Concord Road and Butterfly Commons Drive. (York, PA Quadrangle, N: 26.16 inches, W: 6.51 inches; Latitude: 39°58'55.9", Longitude: 76°40'17.9") in Springettsbury Township, York County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-470. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218 Montoursville, PA 17754-0218. S.R. 0414 Section 19M Roadway Improvement and Paving Project. Smithfield Township, **Bradford County**, ACOE Baltimore District (Sayre, PA Quadrangle N: 41° 53' 27"; W: 76° 35' 26").

PA DOT Engineering District 3-0 proposes to upgrade approximately a two-mile section of SR 0414. The project will include roadway widening, roadway paving, and drainage upgrades. The project will impact two Unnamed Tributaries to Bucks Creek and one wetland. The project proposes 60 linear ft. of stream relocation and 40 linear ft. of roadway crossing replacement of Channel 13. Channel 1 will also have 49 ft. of roadway crossing replaced. Wetland B will have 98 sq. ft. of permanent impact due to outlet protection from a roadway crossing replacement. Unnamed Tributaries to Bucks Creek are classified as Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation. This permit also includes 401 Water Quality Certification.

**E53-425. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002-5089. Water Obstruction and Encroachment Joint Permit, 300 Line Project—Loop 313, in Allegany, Hector, Ulysses Townships, **Potter County**, ACOE Baltimore District (West Pike, PA Quadrangle N: 41° 50' 27"; W: 76° 42' 17").

To construct, operate and maintain 12.95 miles of 30" natural gas pipeline (Loop 313) within the Allegheny (Cold Water Fishery) and West Branch of the Susquehanna River (Warm Water Fishery) watersheds. Construction of the pipeline loop will require twenty-six (26) stream and thirty-seven (37) wetland crossings associated with the pipeline right-of-way (ROW) and access roads. All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. The project is centered approximately 4.8 miles north of the Village of West Pike in Potter County. The 313 Loop will start N 41° 50' 45"; W 77° 50' 53"—terminate N 41° 49' 37"; W 77° 31' 59".

**E59-491. Tennessee Gas Pipeline Company**, 1001 Louisiana Street, Houston, TX 77002-5089. Water Obstruction and Encroachment Joint Permit, 300 Line Project - Loop 313-315, in Clymer, Charlestown, Richmond

and Sullivan Townships, **Tioga County**, ACOE Baltimore District (Keenyville, PA Quadrangle N: 41° 48' 54"; W: 77° 17' 22").

To construct, operate and maintain 20.94 miles of 30" natural gas pipeline (Loop 313-315) within the West Branch of the Susquehanna River watershed (Warm Water Fishery). Construction of the pipeline loop will require thirty-five (35) stream and fifty-nine (59) wetland crossings associated with the pipeline right-of-way (ROW) and access roads. All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. The project is centered approximately 2.8 miles north of the Village of Wellsboro Junction in Tioga County. The 313-315 Loop will start N 41° 50' 45"; W 77° 50' 53"—terminate N 41° 45' 17"; W 76° 55' 40".

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**0276783-A1. Matt Canestrone Contracting, Inc.**, PO Box 234, Belle Vernon, PA 15012. To amend Permit No. 0276783-A1 in Forward Township, **Allegheny County**, Pittsburgh ACOE District. (Monongahela, PA Quadrangle N: 19.2 inches; W: 13.2 inches; Latitude: 40° 13' 51"; Longitude: 79° 58' 10"). To amend Permit No. 0276783 issued to Monongahela Rivers Terminal Corporation, to perform maintenance dredging at the existing barge docks in the channel of and along the right bank of the Monongahela River located near Mile 28.4. The permit was then transferred to Matt Canestrone Contracting, Inc. The amendment will consist of constructing and maintaining four (4) additional 6-inch square mooring cells in the channel and along the right bank of said stream beginning approximately 175.0 feet downstream from the existing facility and extending downstream for a distance of approximately 531.0 feet downstream for the purpose of expanding the existing facility.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-001: East Resources Management, LLC**, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

(1) a 16 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 486 square feet; (Ralston, PA Quadrangle 41° 34' 53.01"N 76° 55' 31.21"W).

(2) a temporary road crossing using a 20 foot long, 15 inch diameter corrugated metal pipe and a 16 inch diameter natural gas gathering line crossing of an unnamed tributary to Sugar Works Run (HQ-CWF). Impacted Area: 1,114 square feet; (Ralston, PA Quadrangle 41° 35' 2.24"N 76° 55' 37.99"W).

(3) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 953 square feet; (Ralston, PA Quadrangle 41° 35' 43.02"N 76° 55' 17.81"W).

(4) a 16 inch and 8 inch diameter natural gas gathering line crossing and temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 21,667 square feet; (Ralston, PA Quadrangle 41° 35' 46.28"N 76° 55' 16.70"W).

(5) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 2,535 square feet; (Ralston, PA Quadrangle 41° 35' 48.42"N 76° 55' 14.62"W).

(6) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 2,120 square feet; (Ralston, PA Quadrangle 41° 36' 5.26"N 76° 55' 14.09"W).

(7) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 1,167 square feet; (Ralston, PA Quadrangle 41° 36' 6.07"N 76° 55' 13.97"W).

(8) a 16 inch and 8 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 32 square feet; (Ralston, PA Quadrangle 41° 36' 6.23"N 76° 55' 13.36"W).

(9) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 10,028 square feet; (Ralston, PA Quadrangle 41° 36' 9.33"N 76° 55' 17.56"W).

(10) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 960 square feet; (Ralston, PA Quadrangle 41° 36' 10.37"N 76° 55' 19.55"W).

(11) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 3,191; (Ralston, PA Quadrangle 41° 36' 10.98"N 76° 55' 20.61"W).

(12) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 1,355 square feet; (Ralston, PA Quadrangle 41° 36' 11.59"N 76° 55' 24.37"W).

(13) a 16 inch and 8 inch diameter natural gas gathering line crossing Sugar Works Run (HQ-CWF). Impacted Area: 54 square feet; (Ralston, PA Quadrangle 41° 36' 12.26"N 76° 55' 36.61"W).

(14) a 16 inch and 8 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 50 square feet; (Ralston, PA Quadrangle 41° 36' 10.90"N 76° 55' 43.92"W).

(15) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 1,496 square feet; (Ralston, PA Quadrangle 41° 36' 11.13"N 76° 55' 46.03"W).

(16) a 16 inch and 8 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 227 square feet; (Ralston, PA Quadrangle 41° 36' 10.84"N 76° 55' 22.90"W).

(17) a 16 inch and 8 inch diameter natural gas gathering line temporary crossing of a palustrine emergent (PEM) wetland. Impacted Area: 1,400 square feet; (Ralston, PA Quadrangle 41° 36' 12.70"N 76° 55' 14.87"W).

(18) a 16 inch and 8 inch diameter natural gas gathering line temporary crossing of a palustrine emergent (PEM) wetland. Impacted Area: 205 square feet; (Ralston, PA Quadrangle 41° 36' 9.88"N 76° 55' 12.93"W).

The project will result in 47 linear feet of temporary stream impacts from utility line crossings, 20 linear feet of temporary stream impacts from temporary road crossings, a total of 47,872 square feet (1.10 acres) of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

**E4129-002: East Resources Management, LLC**, 190 Thorn Hill Road, Warrendale, PA 15086, McNett Township, **Lycoming County**, ACOE Baltimore District.

To construct and maintain:

(1) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to Mcnett Hill Road. Impacted Area: 0.123 acres; (Ralston Quadrangle 41° 34' 25.37"N 76° 54' 42.62"W).

(2) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to Mcnett Hill Road. Impacted Area: 0.017 acres; (Ralston Quadrangle 41° 34' 23.34"N 76° 54' 46.91"W).

(3) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to Mcnett Hill Road. Impacted Area: 0.024 acres; (Ralston Quadrangle 41° 34' 22.19"N 76° 54' 51.03"W).

(4) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to Mcnett Hill Road. Impacted Area: 0.034 acres; (Ralston Quadrangle 41° 34' 22.53"N 76° 54' 55.79"W).

(5) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to Mcnett Hill Road. Impacted Area: 7 square feet; (Ralston Quadrangle 41° 34' 23.21"N 76° 55' 1.53"W).

(6) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to Mcnett Hill Road. Impacted Area: 0.025 acres; (Ralston Quadrangle 41° 34' 22.9"N 76° 55' 3.34"W).

(7) a 16.0 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland adjacent to State Route 14. Impacted Area: 0.044 acres; (Ralston Quadrangle 41° 34' 41.37"N 76° 55' 24.51"W).

(8) a 16.0 inch diameter natural gas gathering line across an unnamed tributary to Lycoming Creek (HQ-CWF) adjacent to Mcnett Hill Road. Impacted Area: 0.018 acres; (Ralston Quadrangle 41° 34' 24.57"N 76° 54' 45.05"W).

(9) a 16.0 inch diameter natural gas gathering line across an unnamed tributary to Lycoming Creek (HQ-CWF) adjacent to Mcnett Hill Road. Impacted Area: 0.011 acres; (Ralston Quadrangle 41° 34' 22.44"N 76° 54' 49.35"W).

(10) a 16.0 inch diameter natural gas gathering line across an unnamed tributary to Lycoming Creek (HQ-CWF) adjacent to Mcnett Hill Road. Impacted Area: 0.037 acres; (Ralston Quadrangle 41° 34' 24.44"N 76° 55' 5.92"W).

(11) a 16.0 inch diameter natural gas gathering line across Lycoming Creek (CWF) adjacent to State Route 14. Impacted Area: 0.041 acres; (Ralston Quadrangle 41° 34' 41.49"N 76° 55' 25.12"W).

The project will result in the following linear impacts: 74.08 linear feet of temporary stream impacts from utility line crossings, 74.08 linear feet of temporary stream impacts from temporary road crossings, 238.03 linear feet of temporary wetland impacts for utility line crossings, and 148.63 linear feet of temporary wetland impacts from temporary road crossings. These crossings will accumu-



late a total of 0.107 acres of watercourse impacts and 0.268 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

### DAM SAFETY LIMITED POWER

#### Joint Permit

*Oil & Gas Management - SWRO - 400 Waterfront Drive, Pittsburgh, PA 15222*

**Permit # E65-07-002. CONSOL Gas Company**, 280 Indian Springs Road, Suite 333, Indiana, PA 15701. To construct natural gas pipeline (Mamont Pipeline) extending approximately 5.9 miles from a natural gas lease area to an existing transmission line in Washington Township, **Westmoreland County**, Pittsburgh ACOE District, State Water Plan Basin 18-B, (Slickville and Vandergrift, PA Quadrangle; Start at N 20 7/8 inches; W 10 1/2 inches;

Latitude: N 40° 29' 38.59"; Longitude: W 79° 33' 54.64"; End at N 2 3/8 inches; W 9 5/8 inches; N 40° 31' 4.87"; Longitude: W 79° 34' 3.69"), Subbasin/Kiskiminetas River Watershed. The applicant proposes to construct a natural gas pipeline from lease areas in Washington Township, Westmoreland County to an existing transmission line in Washington Township, Westmoreland County. In addition, two (2) wetland and eighteen (18) stream crossings are necessary along the approximately 5.9 mile pipeline. This project is proposed to avoid direct impacts to wetlands by using directional bore method of installation under exceptional value (EV) wetlands including PEM and PSS wetlands totaling approximately 2.65 acres within the pipeline right-of-way and temporarily impact numerous named and unnamed tributaries to Beaver Run and Poke Run (HQ-CWF) and Beaver Run Reservoir totaling approximately 1,229 linear feet of stream.

<i>Wetland Name</i>	<i>Coordinates</i>	<i>Proposed Linear Impact</i>
Wetland 1	40° 30' 47.09" 79° 34' 6.39"	95 ft. (directional bore)
Wetland 5	40° 29' 30.43" 79° 35' 29.70"	275 ft. (directional bore)
<i>Stream Name</i>	<i>Coordinates</i>	<i>Proposed Linear Impact</i>
Tributary 42953 to Beaver Run	40° 30' 47.09" 79° 34' 6.39"	0 ft. (bore)
Tributary 42961 to Poke Run	40° 30' 1.35" 79° 34' 54.79"	11 ft.
Tributary 42965 to Poke Run	40° 29' 42.72" 79° 35' 9.44"	90 ft.
Tributary 42958 to Poke Run	40° 29' 23.85" 79° 34' 27.89"	75 ft.
Poke Run	40° 29' 30.43" 79° 35' 29.70"	0 ft. (bore)
Unnamed Trib. 8 to Poke Run	40° 29' 29.00" 79° 33' 55.02"	95 ft.
Unnamed Trib. 7 to Poke Run	40° 29' 26.08" 79° 34' 10.46"	75 ft.
Unnamed Trib. 3 to Poke Run	40° 29' 24.19" 79° 35' 22.77"	115 ft.
Unnamed Trib. 2 to Poke Run	40° 29' 34.83" 79° 35' 22.74"	32 ft.
Unnamed Trib. 1 to Poke Run	40° 30' 4.03" 79° 34' 47.56"	82 ft.
Tributary 42957 to Poke Run	40° 30' 9.88" 79° 34' 26.83"	72 ft.
Tributary 42954 to Beaver Run	40° 30' 20.83" 79° 34' 15.04"	70 ft.
Unnamed Trib 3 to Beaver Run	40° 30' 35.84" 79° 33' 50.54"	85 ft.
Unnamed Trib. 2 to Beaver Run	40° 30' 38.80" 79° 33' 55.39"	70 ft.
Unnamed Trib 1 to Beaver Run	40° 30' 42.85" 79° 34' 4.52"	85 ft.
Unnamed Trib.4 to Poke Run	40° 29' 21.59" 79° 35' 14.28"	77 ft.
Unnamed Trib. 5 to Poke Run	40° 29' 21.99" 79° 35' 6.21"	95 ft.
Unnamed Trib. 6 to Poke Run	40° 29' 22.50" 79° 35' 3.58"	100 ft.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX10-015-0170(02)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Columbia Twp.  
Receiving Stream(s) and Classification(s) Trib. to North Branch Sugar Cr, North Br Sugar Cr

ESCGP-1 # ESX11-117-0027  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Tioga Township(s) Liberty and Union Twps.  
Receiving Stream(s) and Classification(s) UNT to Salt Spring Run, Roaring Branch

ESCGP-1 # ESX11-117-0029  
Applicant Name SWEPI LP  
Contact Person Scott Blauvelt  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga Township(s) Rutland Twp.  
Receiving Stream(s) and Classification(s) UNTs to Elk Run, Elk Run

ESCGP-1 # ESX11-117-0030  
Applicant Name SWEPI LP  
Contact Person Scott Blauvelt  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga Township(s) Delmar Twp  
Receiving Stream(s) and Classification(s) UNTs to Marsh Cr, Marsh Cr

ESCGP-1 # ESX11-131-0002  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main St  
City, State, Zip Athens, PA 18810  
County Wyoming Township(s) Meshoppen Twp.  
Receiving Stream(s) and Classification(s) UNT of Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-015-0204(01)  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Burlington and Towanda Twps.  
Receiving Stream(s) and Classification(s) Sugar Cr, Bailey Run, Tribs to Sugar Creek and Bailey Run

ESCGP-1 # ESX11-015-0046  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Terry Twp.  
Receiving Stream(s) and Classification(s) Sugar Run, Tribs streams to Sugar Run

ESCGP-1 # ESX11-117-0028  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845  
County Tioga Township(s) Union Twp.  
Receiving Stream(s) and Classification(s) (2) UNTs to West Mill Creek, Mill Creek

ESCGP-1 # ESX11-015-0048  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford Township(s) Leroy Twp.  
Receiving Stream(s) and Classification(s) Towanda Cr

ESCGP-1 # ESX11-117-0032  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga Township(s) Jackson Twp.  
Receiving Stream(s) and Classification(s) Alder Run, Trib. to Seeley Run

ESCGP-1 # ESX11-117-0031  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga Township(s) Chatham Twp.  
Receiving Stream(s) and Classification(s) Trib. to Crooked Cr

ESCGP-1 # ESX10-117-0239(01)  
Applicant Name SWEPI LP  
Contact Person Richard Lewis  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga Township(s) Jackson Twp.  
Receiving Stream(s) and Classification(s) Harts Cr/ Susquehanna R. Basin in PA—Tioga River

## ESCGP-1 # ESX11-117-0033

Applicant Name Talisman Energy USA, Inc

Contact Person Tracy Gregory

Address 337 Daniel Zenker Dr

City, State, Zip Horseheads, NY 14845

County Tioga Township(s) Union Twp.

Receiving Stream(s) and Classification(s) Sugar Works  
Ru, UNT to Sugar Works Run, East Br Sugar Works  
Run, Lycoming Cr

## ESCGP-1 # ESX11-081-0013

Applicant Name Anadarko E&amp;P Company, LP

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251-1330

County Lycoming Township(s) Cummings Twp.

Receiving Stream(s) and Classification(s) Dam Run, UNT  
Dam Run, Little Pine Cr

## ESCGP-1 # ESX11-081-0012

Applicant Name Anadarko E&amp;P Company, LP

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251-1330

County Lycoming Township(s) Cummings Twp.

Receiving Stream(s) and Classification(s) UNT Carson  
Run, Carson Run, UNT Pine Cr (Parker Hollow),  
English Run, Little Pine Cr

## ESCGP-1 # ESX11-115-0021

Applicant Name Cabot Oil &amp; Gas Corp

Contact Person Jeffrey Keim

Address Five Penn Center West, Ste 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna Township(s) Springville Twp.

Receiving Stream(s) and Classification(s) Monroe Cr,  
Tunkhannock Cr

## ESCGP-1 # ESX11-115-0016

Applicant Name Cabot Oil &amp; Gas Corp

Contact Person Jeffrey Keim

Address Five Penn Center West, Ste 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna Township(s) Dimock Twp.

Receiving Stream(s) and Classification(s) UNT to Lake  
Stream

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*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.**Beaver County Conservation District: 156 Cowpath Road, Aliquippa, PA 15001. (724-378-1701)*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG04 11 001	Eric N. Stewart Appalachia Midstream Services	Beaver	South Beaver Township	Unnamed Tributary to Brush Run (HQ-WWF)

*Washington County Conservation District: 100 West Beau Street, Suite 105, Washington, PA 15301-4447. (724-228-6774)*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
63 10 8 001-2	Mark West Liberty Midstream & Resources, LLC 601 Technology Drive Suite 130 Canonsburg, PA 15317	Washington	Mount Pleasant Township	Enlow Fork (TSF), UNT to Spottedtail Run (WWF), Robinson Fork and UNTs (WWF), Beham Run and UNTs (WWF), Blockhouse Run and UNTs (WWF), Bonar Creek and UNTs (HQ-WWF), Dutch Fork and UNTs (HQ-WWF), UNTs to Buck Run (HQ-WWF), Buffalo Creek and UNTs (HQ-WWF) UNTs to Wolf Run (HQ-WWF), Brush Run and UNTs (HQ-WWF), UNTs to Georges Run (WWF), Chartiers Run and UNTs (WWF), Westland Run (WWF) Cross Creek and Unnamed Tributaries (HQ-WWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX10-083-0020—Sackett Hollow Well Pad, Freshwater and Flowback Impoundments  
Applicant SM Energy Company  
Contact Marlon Wells  
Address 7060 South Yale, Suite 800  
City Tulsa State OK Zip Code 74136  
County McKean Township(s) Norwich(s)  
Receiving Stream(s) and Classification(s) Saltlog Hollow (HQ-CWF) Keesler Hollow (HQ-CWF), UNT to Hamlin Run (HQ-CWF)

ESCGP-1 #ESX10-019-0033—Southwest Butler County - Phase VI  
Applicant Rex Energy Operating Corporation  
Contact Timothy Beattie, Sr.  
Address 476 Rolling Ridge Drive; Suite 300  
City State College State PA Zip Code 16801  
County Butler Township(s) Lancaster & Connoquenessing(s)  
Receiving Stream(s) and Classification(s) UT to Little Connoquenessing Creek (CWF), UT to Crab Run (CWF)

ESCGP-1 #ESX11-047-0015—Shawmut Marcellus Well Project  
Applicant EQT Production Company  
Contact Todd Klaner  
Address 455 Racetrack Road, Suite 101  
City Washington State PA Zip Code 15301  
County Elk Township(s) Horton(s)  
Receiving Stream(s) and Classification(s) Mead Run/Little Toby Creek; Laurel Run/Little Toby Creek; West Branch Walburn Run/Walburn Run—CWF, Clarion River

ESCGP-1 #ESX11-047-0016—Longhorn Merlot Well Project  
Applicant EQT Production Company  
Contact Todd Klaner  
Address 455 Racetrack Road, Suite 101  
City Washington State PA Zip Code 15301  
County Elk Township(s) Horton(s)  
Receiving Stream(s) and Classification(s) Mead Run/Little Toby Creek; Laurel Run/Little Toby Creek; West Branch Walburn Run/Walburn Run, UNT Laurel Run/Little Toby Creek; UNT Mead Run/Little Toby Creek—CWF

ESCGP-1 #ESX11-065-0024—Monarch Marcellus Well Project  
Applicant EQT Production Company  
Contact Todd Klaner  
Address 455 Racetrack Road, Suite 101  
City Washington State PA Zip Code 15301  
County Jefferson Township(s) Polk(s)  
Receiving Stream(s) and Classification(s) North Fork Redbank Creek/Redbank Creek High Quality—Secondary Water: Allegheny River

## SPECIAL NOTICES

### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

#### Public Notice of Proposed Settlement Agreement Gibraltar Site, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P.S. §§ 6020.101—6020.1305, Solid Waste Management Act, 35 P.S. §§ 6018.101—6018.1003, Clean Streams Law, Act of June 22, 1937, 35 P.S.

§§ 691.1—691.1001 and section 1917-A of The Administrative Code of 1929, has entered into a Stipulation and Settlement Agreement (Settlement Agreement) with Chemtura Corporation (Chemtura); Crompton Colors, Incorporated; CNK Chemical Realty Corp.; Sensient Technologies Corporation; and Sensient Colors, LLC (Sensient Colors). In addition, notice is also being provided under the Solid Waste Management Act that the Department intends to enter into a Consent Order and Agreement (Consent Order) with Sensient Colors.

The Settlement Agreement and Consent Order both concern closed, hazardous waste impoundments at a former dye manufacturing facility (Site), in Robeson Township, Berks County. The waste in the impoundments was stabilized and closed in place. Prior to November 30, 2001, the Site was owned and operated by entities that are subsidiaries, or predecessors of subsidiaries, of Chemtura. Currently, the Site is owned by Sensient Colors, but the financial assurance for the Site was provided by Chemtura.

On March 18, 2009, Chemtura filed petitions for reorganization under Chapter 11 of the U.S. Bankruptcy Code. Subsequent to that filing, Chemtura notified Sensient Colors and the Department that it intended to have its duties concerning the Site, guaranteed by the financial assurance, discharged. Both Sensient Colors and the Department objected. This Settlement Agreement represents a settlement of that dispute.

Under the terms of the Settlement Agreement and Consent Order, Sensient Colors will assume full responsibility to the Commonwealth for certain remediation activities and environmental conditions associated with the Site (including maintenance of the closed impoundments); Sensient Colors will submit a bond acceptable to the Department for the Site; the Department will transfer to Sensient Colors the funds from the letter of credit that Chemtura had provided as the financial assurance for the Site; and the Department will have an allowed environmental claim of \$35,000 under Chemtura's Chapter 11 Plan. The Settlement Agreement will also resolve Chemtura's civil liability for the Site including, but not limited to, its liability for releases of hazardous substances into the environment and natural resources damages at the Site.

The Department will receive comments relating to the proposed Settlement Agreement and Consent Order for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the proposed Settlement Agreement and Consent Order if the comments disclose facts or considerations which indicate that the proposed Settlement Agreement is inappropriate, improper, or not in the public interest.

If the Department does not withdraw its consent to the Settlement Agreement or Consent Order after the public comment period, the Settlement Agreement and Consent Order will then be final. Thereafter, the Department will publish a Public Notice of the final Settlement Agreement and Consent Order. The Settlement Agreement and Consent Order shall be effective on the first business day after all of the following have occurred: 1. The public comment periods for both the Settlement Agreement and the Consent Order have occurred; and 2. The Bankruptcy Court has issued a final order approving the Settlement Agreement.

The Settlement Agreement is available for inspection and copying at the Department's Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA. Com-



ments may be submitted, in writing, to Anthony Rathfon, Regional Manager, Waste Management, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110. Further information may be obtained by contacting Anthony Rathfon at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-645-5984.

#### **DRINKING WATER STATE REVOLVING FUND**

##### **Special Notice Under the federal Safe Drinking Water Act**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Southwestern Pennsylvania Water Authority, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, Greene County.**

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Applicant, Southwestern Pennsylvania Water Authority, Amwell Township, Washington County and Washington Township, Greene County, proposed the installation of approximately 39,500 feet of 12-inch ductile iron waterline from the proposed SPWA line in Washington Township, Greene County into Amwell Township, Washington County and 45,700 feet of 12-inch ductile iron waterline will serve Washington Township residents in **Greene County**.

The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**Pittsburgh Water & Sewer Authority, 1200 Penn Avenue, 2nd Floor, Pittsburgh, PA 15222-4204, Allegheny County.**

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Pittsburgh Water & Sewer Authority's proposes construction of a new 500,000 gallon backwash water holding tank; construction of a diversion structure to interconnect the new backwash water holding tank, pump station with submersible pumps, valve vault with control valves. The Herron Hill Tank is to be rehabilitated. Sixteen valves in the existing distribution system and 75 fire hydrants will be replaced. The Pittsburgh Water and Sewer Authority's water treatment plant currently discharges filter backwash water directly to the Allegheny River via the overflow from the existing backwash storage tank.

The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**Municipal Authority of Westmoreland County, 124 Park & Pool Road, New Stanton, PA 15672, Westmoreland County**

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Municipal Authority of Westmoreland County proposes installation approximately 4100 feet of 8-inch PVC waterline along Slope Hill

Road in Mt. Pleasant Township, Westmoreland County to serve twelve (12) residential structures.

The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

#### **CATEGORICAL EXCLUSION**

*Location:* Seven Springs Municipal Authority, 290 Lagoon Lane, Champion, PA 15622

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The proposed PENNVEST project includes the installation of two (2) new potable water storage facilities: the Tahoe Water Storage Tank (0.5MG) and the Golf Course concrete underground water storage tank (0.15 MG). Additional storage facilities are necessary to meet that demand including provisions for emergency fire flows.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process. *Location:* Municipal Authority of the City of New Kensington, 920 Barnes Street, P. O. Box 577, New Kensington, PA 15068

*Location:* Municipal Authority of the City of New Kensington, 920 Barnes Street, P. O. Box 577, New Kensington, PA 15068

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

Municipal Authority of the City of New Kensington, Westmoreland County is proposing to install a 50'dia X 30' high sludge thickener tank and a skid mounted horizontal decanter centrifuge up-stream from the existing basin to reduce the solids loading to the existing basin.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Location:* Municipal Authority of the City of New Kensington, 920 Barnes Street, P. O. Box 577, New Kensington, PA 15068

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

Municipal Authority of the City of New Kensington, Armstrong County is proposing to replace existing aged waterlines in the City of New Kensington and Lower Burrell. These lines are primary feed lines to the City of New Kensington and Lower Burrell. The age and condition of the lines and appurtenances are such that they have become a major liability to the Authority, with numerous leaks creating severe damage to the streets, treated water loss and customer outages. The service lines in these areas include lead services which need upgraded.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Location:* Municipal Authority of Westmoreland County, 124 Park & Pool Road, New Stanton, PA 15672

*Description:* The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

Municipal Authority of Westmoreland County proposes replacement of existing waterlines. Waterlines within the project area are antiquated and subject to frequent breaks which impact numerous commercial businesses, governmental agencies and health care facilities including the Westmoreland Hospital in Greensburg. Replacement of the existing waterlines will alleviate service interruptions due to breaks and ensure that fire fighting abilities will be enhanced.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 11-567. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—Substantive Revision*

DEP ID: 012-0900-001. Title: Policy for Development and Publication of Technical Guidance. Description: The Department is updating its policy for the publication of nonregulatory guidance documents to reflect changes in procedures and technology since the last revision. No comments were received during the public comment

period. Contact: Questions should be directed to Robert Altenburg at (717) 783-8727 or [raltenburg@state.pa.us](mailto:raltenburg@state.pa.us).

*Effective Date:* April 2, 2011

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-568. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Bid Opportunity

**C17:05-103.1, Fence Replacement and Concrete Repair, Curwensville Flood Protection Project, Curwensville Borough, Clearfield County.** The principle items of work and approximate quantities include mobilization and demobilization; removal and disposal of embedded fence posts; grout fence post core holes; concrete repair-surface spall; concrete repair-through wall; concrete repair-wall face coating; concrete repair-wall leak; waterproofing; existing chain link fence removal and disposal; new chain link fence; ladder rungs; grounding rods; stenciled station numbers; and epoxy crack injection. This bid issues April 1, 2011, and bids will be opened on April 26, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-569. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Bid Opportunity

**C40:01-104.1, Fence Replacement and Concrete Repair, West Wyoming Flood Protection Project, West Wyoming Borough, Luzerne County.** The principle items of work and approximate quantities include mobilization and demobilization; removal and disposal of embedded fence posts; grout fence post core holes; concrete repair-surface spall; concrete repair-through wall; concrete repair-joint; waterproofing; existing chain link fence removal and disposal; new chain link fence; ladder rungs; grounding rods; and epoxy crack injection. This bid issues April 1, 2011, and bids will be opened on April 26, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-570. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 10(3128)101.1, Abandoned Mine Land Reclamation Project, South Bruin, Parker Township, Butler County.** The principle items of work and approximate

quantities include mobilization and demobilization; implementation of the erosion and sediment control; clearing and grubbing; grading 70,000 cubic yards; subsurface drain header 152 feet; subsurface drain laterals 300 feet; and seeding 10.5 acres. This bid issues April 1, 2011, and bids will be opened on April 28, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-571. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 16(6742)101.1, Abandoned Mine Land Reclamation Project, Shamburg Southwest, Piney Township, Clarion County.** The principle items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control; clearing and grubbing; grading 215,000 cubic yards; ditch excavation 890 cubic yards; rock lining with filter material 890 square yards; and seeding 28 acres. This bid issues April 1, 2011, and bids will be opened on April 28, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-572. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Nutrient and Sediment Reduction Credit Trading Program; Notice of Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed) (see 40 Pa.B. 5790 (October 9, 2010)).

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more

efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these certifications or the Trading Program, contact Ann Roda, Water Planning Office, Department of Environmental Protection, P.O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, aroda@state.pa.us or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following proposals have been certified by the Department. The certification of these proposals is considered a final action of the Department.

**Pennsylvania Environmental Council** (22 Terminal Way, Pittsburgh, PA 15219). A proposal was submitted by Pennsylvania Environmental Council in coordination with the Capital RC&D and the Bradford County Park the Plow Program. The certification is applicable to the nutrient reductions generated by the installation of Best Management Practices (BMPs) that include continuous no-till, conservation till and cereal cover crops. These BMPs will be installed on Farm A-J, Farm A-R, Farm B, Farm C and Farm D. The certification, provided for each identified farm, includes a verification plan, and authorizes the generation of nitrogen credits, and for farms A-J and A-R, the generation of phosphorous credits as well. Notice of this proposal was published for comment at 40 Pa.B. 5022 (August 28, 2010).

**City of Lancaster Advanced Wastewater Treatment Plant** (1220 New Danville Pike, Lancaster, PA 17603, Lancaster County). The proposal was submitted by CDM and requested that an additional year of nitrogen and phosphorous credits be added to the certification that was provided on June 18, 2010. This certification is applicable to the operation of the City of Lancaster Advanced Wastewater Treatment Plant. This certification includes a verification plan and authorizes the generation



of nitrogen and phosphorous credits. This certification replaces the Notice of Action that was published at 40 Pa.B. 3919 (July 20, 2010).

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-573. Filed for public inspection April 1, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.2-5.5.7 (relating to cardiac catheterization lab).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-574. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Application of CH Hospital of Allentown, LCC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that CH Hospital of Allentown, LCC has requested an exception to the requirements of 28 Pa. Code §§ 103.36(b)(4) and 103.39 (relating to personnel records; and personnel health requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-575. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Application of Children's Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-576. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Application of Coordinated Health Orthopedic Hospital, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives



notice that Coordinated Health Orthopedic Hospital, LLC has requested an exception to the requirements of 28 Pa. Code §§ 103.36(b)(4) and 103.39 (relating to personnel records; and personnel health requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-577. Filed for public inspection April 1, 2011, 9:00 a.m.]

### **Application of DuBois Regional Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-578. Filed for public inspection April 1, 2011, 9:00 a.m.]

### **Application of Ohio Valley General Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ohio Valley General Hospital has requested an exception to the requirements of 28 Pa. Code § 138.2 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-579. Filed for public inspection April 1, 2011, 9:00 a.m.]

### **Application of The Reading Hospital and Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Reading Hospital and Medical Center has requested an exception to the requirements of 28 Pa. Code § 139.17(1) (relating to neonatal intensive care units (Levels II and III)).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-580. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Application of Wellspan Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wellspan Surgical Center has requested an exception to the requirements of 28 Pa. Code § 555.23(f) (relating to operative care).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-581. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Millcreek Community Hospital Transitional Care Unit  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 57010201

Millcreek Manor  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 131102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry).

Nipple Convalescent Home  
100 South Front Street  
Liverpool, PA 17045

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j)(k) (relating to electric requirements for existing and new construction).

Messiah Village  
100 Mount Allen Drive  
Mechanicsburg, PA 17055

The requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-582. Filed for public inspection April 1, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania 7UP™ Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 7UP™.

2. *Price:* The price of a Pennsylvania 7UP™ instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania 7UP™ instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions, printed in black ink and located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and 26 (TWYSIX). The play symbols and their captions, printed in black ink and located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22

(TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV) and 26 (TWYSIX). The play symbols and their captions, printed in green ink and located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX) and Green 7 (GREEN7) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$70<sup>00</sup> (SEVENTY), \$100 (ONE HUN), \$400 (FOR HUN), \$700 (SVN HUN) and \$17,000 (SVNTNTHO).

5. *Prizes:* The prizes that can be won in this game are: Free \$2 ticket, \$1, \$2, \$4, \$5, \$7, \$10, \$20, \$25, \$40, \$50, \$70, \$100, \$400, \$700 and \$17,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania 7UP™ instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$17,000 (SVNTNTHO) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$17,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$700 (SVN HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets with a Green 7 (GREEN7) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of that Green 7 (GREEN7) symbol, on a single ticket, shall be entitled to a prize of \$350.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption

printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets with a Green 7 (GREEN7) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that Green 7 (GREEN7) symbol, on a single ticket, shall be entitled to a prize of \$35.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a Green 7 (GREEN7) symbol, with the symbol and caption printed in green ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that Green 7 (GREEN7) symbol, on a single ticket, shall be entitled to a prize of \$14.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(o) Holders of tickets with a Green 7 (GREEN7) symbol, with the symbol and caption printed in green ink,



and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that Green 7 (GREEN7) symbol, on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$2<sup>00</sup> (TWO

DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania 7UP™ instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches either of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown To The Right Of The Matching Number. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
FREE	FREE \$2 TICKET	10.71	672,000
\$1 × 4	\$4	37.5	192,000
\$4	\$4	37.5	192,000
\$1 × 5	\$5	250	28,800
\$5	\$5	250	28,800
\$1 × 7	\$7	75	96,000
\$1 w/GREEN 7	\$7	75	96,000
\$7	\$7	50	144,000
(\$1 × 6) + (\$2 × 2)	\$10	1,500	4,800
\$2 × 5	\$10	1,500	4,800
\$1 w/GREEN 7 + (\$1 × 3)	\$10	1,500	4,800
\$5 × 2	\$10	1,500	4,800
\$10	\$10	1,500	4,800
(\$2 × 6) + (\$4 × 2)	\$20	500	14,400
\$2 w/GREEN 7 + (\$2 × 3)	\$20	500	14,400
\$5 × 4	\$20	1,500	4,800
\$10 × 2	\$20	1,500	4,800
\$20	\$20	750	9,600
(\$2 × 5) + (\$5 × 3)	\$25	1,500	4,800
\$2 w/GREEN 7 + (\$2 × 3) + \$5	\$25	1,500	4,800
\$5 × 5	\$25	1,500	4,800
\$25	\$25	1,500	4,800
\$5 × 8	\$40	1,500	4,800
\$5 w/GREEN 7 + \$5	\$40	1,500	4,800
\$20 × 2	\$40	1,500	4,800
\$40	\$40	1,500	4,800
(\$5 × 6) + (\$10 × 2)	\$50	4,000	1,800
\$5 w/GREEN 7 + (\$5 × 3)	\$50	2,400	3,000
\$10 × 5	\$50	6,000	1,200
\$50	\$50	6,000	1,200
(\$5 × 2) + (\$10 × 6)	\$70	4,800	1,500
\$10 × 7	\$70	4,800	1,500
\$70	\$70	4,800	1,500
(\$10 × 6) + (\$20 × 2)	\$100	12,000	600
\$20 × 5	\$100	12,000	600
\$25 × 4	\$100	12,000	600



*When Any Of Your Numbers Match  
Either Winning Number, Win Prize  
Shown To The Right Of The Matching  
Number. Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$50 × 2	\$100	12,000	600
\$100	\$100	12,000	600
(\$50 × 6) + \$100	\$400	120,000	60
\$50 w/GREEN 7 + \$50	\$400	60,000	120
\$100 × 4	\$400	120,000	60
\$400	\$400	120,000	60
(\$50 × 2) + (\$100 × 6)	\$700	120,000	60
\$100 × 7	\$700	120,000	60
\$700	\$700	120,000	60
\$17,000	\$17,000	480,000	15

Reveal a "GREEN 7" (GREEN7) symbol, win 7 times the prize shown to the right of that number.

Non-winning Pennsylvania 7UP™ instant lottery tickets may be entered in bonus promotional drawings via the Lottery's website (<http://www.palottery.com>) for a chance to win bonus prizes as determined by the Secretary and announced on the Lottery's website. These prizes are not part of the Prize Structure and are provided to the Pennsylvania Lottery at no charge.

Entries submitted via the Lottery's website must be submitted from a computer within Pennsylvania.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 7UP™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7UP™, prize money from winning Pennsylvania 7UP™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 7UP™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania 7UP™ or through normal communications methods.

DANIEL MEUSER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-583. Filed for public inspection April 1, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Lebanon County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning the superstructure replacement (piers and abutments will remain) of the SR 2014 (Furnace Road) Bridge over Mill Creek in Millcreek Township, Lebanon County. The existing bridge is a two-span, prestressed, adjacent concrete box beam bridge that is eligible for the National Register of Historic Places. The project will constitute a use of the Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use of Historic Properties document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resource for the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE, the Section 4(f) documents and the associated Memorandum of Agreement.

BRIAN G. THOMPSON, P.E.,  
*Director  
Bureau of Project Delivery*

[Pa.B. Doc. No. 11-584. Filed for public inspection April 2, 2011, 9:00 a.m.]

# GAME COMMISSION

## Feral Swine Response—Removal of Protection

### Order No. 2

*Whereas*, While some twenty-five (25) states across the nation have persistent (possibly permanent) populations of Feral Swine established in the wild, Pennsylvania is one of sixteen (16) new states where introduction is more recent and may still be countered through decisive eradication efforts; and

*Whereas*, For the purposes of this Order, the term “Feral Swine” shall include any animal that is a member of the Family *Suidae* that is found roaming freely upon public or private lands within this Commonwealth; and

*Whereas*, Feral Swine have been declared to be an injurious, nonnative, invasive species in Pennsylvania that are suspected to have been introduced into the wilds of this Commonwealth through a variety of means, including both intentional and unintentional releases; and

*Whereas*, Feral Swine have been determined to pose a significant, imminent and unacceptable threat to this Commonwealth’s natural resources (including wildlife and their habitats), agricultural industry (including crop and livestock production), forest products industry and to human health/safety interests; and

*Whereas*, Feral Swine have been detected in the wild outside of containment in several counties across the Commonwealth; and

*Whereas*, feral swine are known to harbor and transmit numerous viral, bacterial, and parasitic diseases that adversely affect wild animals, domestic animals and humans; and

*Whereas*, Section 137.2 of the Pennsylvania Code specifically prohibits the release of “any animal that is a member of the Family *Suidae* into the wild” (58 Pa. Code § 137.2); and

*Whereas*, The Game and Wildlife Code (Game Code) (34 Pa.C.S.) and its attendant regulations (58 Pa. Code Part III) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation and management of all game and wildlife, including Feral Swine (C.f. 34 Pa.C.S. §§ 322, 2101 and 2102); and

*Whereas*, The Commission was declared to have jurisdiction over matters relating to wild boars by the Pennsylvania Supreme Court in *Seeton v. PGC*, 937 A.2d 1028 (Pa., 2007); and

*Whereas*, The *Seeton* decision effectively declared wild boars to be “protected mammals” pursuant to 58 Pa. Code § 133.1 and as a consequence can be taken only as authorized by the Game Code and its attendant regulations; and

*Whereas*, Except for destruction for agricultural protection, self-defense, defense of others or property protection pursuant to authorizations provided by Sections 2121 and 2141 of the Game Code (34 Pa.C.S. §§ 2121 and 2141)

and Section 141.3 of the Pennsylvania Code (58 Pa. Code § 141.3), Feral Swine may not lawfully be taken by members of the public; and

*Whereas*, Section 322 of the Game Code provides the Game Commission (Commission) with the general authority to define geographic limitations or restrictions and otherwise take any other action necessary to accomplish and assure the purposes of the Game Code (34 Pa.C.S. § 322(c)(4) and (12)); and

*Whereas*, Section 139.3 of the Pennsylvania Code provides the Executive Director with the broad authority to “remove protection on wildlife Statewide, or in a designated area and prohibit its possession alive and order the method of the disposal, if he determines the threat of a disease poses a threat to human safety, farm animals, pets and wildlife within or adjacent to this Commonwealth” (58 Pa. Code § 139.3(b)); and

*Whereas*, The Commission has determined that the complete eradication of Feral Swine from the wild within the Pennsylvania is necessary to prevent further harm to its natural resources, agricultural industry, forest products industry and threats to human health and safety; and

*Now Therefore*, I, Carl G. Roe, Executive Director of the Pennsylvania Game Commission, under the authority vested in me by the Game Code and its attendant regulations, do hereby order and direct the removal of protection on Feral Swine as follows:

1. Protection on Feral Swine is removed statewide, except in those counties designated as containing official eradication trapping operations as indicated on the Commission web site at <http://www.pgc.state.pa.us/> and in periodic Commission news releases.

2. Licensed hunters and trappers or persons who qualify for license and fee exemptions under Section 2706 of the Game Code (34 Pa.C.S. § 2706) shall be eligible to participate in the unlimited taking (killing) of Feral Swine by firearm, bow or crossbow in any county where protection on Feral Swine has been removed. All takings of Feral Swine shall be conducted in conformance with the limitations of Section 2308 of the Game Code (34 Pa.C.S. § 2308).

3. Persons authorized by Commission permit to engage in Feral Swine trapping operations shall be eligible to participate in the unlimited trapping of Feral Swine in such locations as may be designated on their permit. Feral Swine trapping shall only occur from the end of the flintlock muzzleloader season to the beginning of Spring Gobbler Season and from the end of Spring Gobbler Season until the beginning of Archery Deer Season within each respective wildlife management unit. If permitted trapping is occurring on a broad scale within a specific county, the protection of Feral Swine may be temporarily reinstated within that county to insure the effectiveness and efficiency of such eradication trapping.

4. All takings of Feral Swine resulting from authorized shooting or trapping operations shall be reported to the appropriate local Commission Regional Office within 24 hours of kill. Reports shall, at a minimum, include an accurate identification and description of the location of kill.

5. This Order shall not be construed in any manner to limit the ability of an individual to protect his person, the person of another or his property from harm by Feral Swine pursuant to the authority of Sections 2121 and 2141 of the Game Code (34 Pa.C.S. §§ 2121 and 2141) and Section 141.3 of the Pennsylvania Code (58 Pa. Code § 141.3).

6. This Order shall not be construed in any manner to limit the Commission's authority to establish additional or further requirements on the eradication of Feral Swine within the Commonwealth of Pennsylvania.

7. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 22nd day of March 2011.

CARL G. ROE,  
Executive Director

[Pa.B. Doc. No. 11-585. Filed for public inspection April 1, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, March 17, 2011, and announced the following:

#### Action Taken—Regulations Approved:

Pennsylvania Gaming Control Board #125-129: Gaming Junket Amendments (amends 58 Pa. Code Chapters 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a and 503a)

### Approval Order

Public Meeting held  
March 17, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

#### *Pennsylvania Gaming Control Board Gaming— Junket Amendments; Regulation No. 125-129 (#2873)*

On September 13, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 401a, 421a, 439a, 440a, 441a, 451a, 465a, 481a, 501a and 503a. The proposed regulation was published in the September 25, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 14, 2011.

This rulemaking amends the Board's regulations to comply with Act 1 of 2010 revisions to the Pennsylvania Race Horse Development and Gaming Act. The amendments also improve clarity and eliminate or reduce the registration or application requirements for some entities and individuals.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(9), (23) and (30), 1318, 1602(a) and 1604(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 11-586. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
53-9	Joint Committee on Documents Preliminary Provisions; Definitions	3/22/11	4/28/11

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 11-587. Filed for public inspection April 1, 2011, 9:00 a.m.]

# INSURANCE DEPARTMENT

## Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 41 Pa.B. 796 (February 5, 2011) soliciting comments to the export list published at 40 Pa.B. 2203 (April 24, 2010). Consideration was given to all comments received. The Commissioner proposes to amend the list published at 40 Pa.B. 2203 add the following:

Pest Control (Exterminators) Liability  
Tattoo Parlors Liability

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557, cbybee@state.pa.us. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the list published at 40 Pa.B. 2203, list remains in effect.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-588. Filed for public inspection April 1, 2011, 9:00 a.m.]

## Reed Oil Company; Hearing

### Appeal of Reed Oil Company under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2007-0140(F); Doc. No. UT11-03-012

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on May 17, 2011, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before May 16, 2011.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-589. Filed for public inspection April 1, 2011, 9:00 a.m.]

## Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Trecia Haye; file no. 11-188-99656; Infinity Insurance Company; Doc. No. P11-03-013, May 5, 2011, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-590. Filed for public inspection April 1, 2011, 9:00 a.m.]

## United Services Automobile Association; USAA Casualty Insurance Company; Homeowners; Rate Revision

On March 11, 2011, the Insurance Department (Department) received from United Services Automobile Associa-



tion and USAA Casualty Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 7.0% increase amounting to \$2,421,788 annually for United Services Automobile Association and an overall 7.0% increase amounting to \$1,835,557 annually for USAA Casualty Insurance Company to be effective on July 31, 2011. These overall figures represent averages; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to May 10, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-591. Filed for public inspection April 1, 2011, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by Pennsylvania Municipal Retirement Law (53 P.S. §§ 881.101—888.413), in connection with the Pennsylvania Municipal Retirement Board's (Board) denial of Claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

May 12, 2011 William J. Murphy 1:30 p.m.  
(Service Connected Disability)

Persons with a disability, who wish to attend the previously-listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Board may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Adminis-

trative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 11-592. Filed for public inspection April 1, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Notice to Telecommunications Providers and Interested Parties

The Pennsylvania Public Utility Commission (Commission) invites comment on recently filed petitions by wireless carriers seeking designation as eligible telecommunications carriers for purposes of Federal universal service low income support. Petitions pending include:

YourTel America, Inc.—Doc. No. P-2011-2226044

Conexions, LLC, d/b/a Conexion Wireless—Doc. No. P-2011-2229393

Interested parties are invited to file comments at the relevant docket numbers within 14 days of publication of this notice. Reply comments may be filed no later than 10 days after the due date of the initial comment period. Interested parties may review the pending petitions at the Commission's web site <http://www.puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact person for questions regarding this notice is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-593. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Petition for Finding

**P-2011-2231457. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the existing Jenkins 230-69 kV Substation in Plain Township, Luzerne County is reasonably necessary for the convenience of welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 18, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Assoc. General Counsel, PPL Service Corporation, Two North Ninth Street, Allentown, PA 18106

Christopher T. Wright, Esquire, John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-594. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 18, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2010-2213072.** Gerardo Jose Del Gaudio, t/a Gerardo's Transportation Taxicab Co. (958 Redwood Drive, Waynesboro, Franklin County, PA 17268-9578), for amendment to its common carrier certificate which grants the right to transport, by motor vehicle, persons upon call or demand in the borough of Waynesboro, Franklin County; *So As To Permit* the transportation of persons upon call or demand service from points in the Counties of Adams, Franklin and Fulton.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2231432.** Kirk Livery, Inc. (126 McClellan Drive, Pittsburgh, Allegheny County, PA 15236), a corporation of the Commonwealth of Pennsylvania, for the additional right to transport, as a common carrier, by motor vehicle, persons in group and party service in vehicles seating 11-15 passengers, including the driver, between points in the Counties of Armstrong, Beaver, Butler, Fayette, Lawrence, Washington and Westmoreland, and from points in said Counties and the County of Allegheny, to points in Pennsylvania, and return. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310 Grant Building, Pittsburgh, PA 15219-2383.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-595. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Telecommunications

**A-2011-2232041.** Windstream Pennsylvania, LLC and Sprint Communications Company, LP. Joint petition of Windstream Pennsylvania, LLC and Sprint Communications Company, LP for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC and Sprint Communications Company, LP, by its counsel, filed on March 18, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Windstream Pennsylvania, LLC and Sprint Communications Company, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-596. Filed for public inspection April 1, 2011, 9:00 a.m.]

### Water Service

**A-2011-2232268.** Greater Hazleton Community Area New Development Organization, Inc., t/b/a Can Do, Inc. Application of Greater Hazleton Community Area New Development Organization, Inc., t/b/a Can Do, Inc., for approval to offer, render, furnish or supply water service to the public in an additional portion of Butler Township, Luzerne County, beyond the boundaries of the Can Do Corporate Center.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 18, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Greater Hazleton Community Area New Development Organization, Inc., t/b/a Can Do, Inc.

*Through and By Counsel:* Peter J. Fagan, Esquire, 18 Short Lane, P. O. Box 904, Conyngham, PA 18219

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-597. Filed for public inspection April 1, 2011, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

May 11, 2011	Douglas Gorlitz (Multiple Service)	1 p.m.
May 18, 2011	Thomas A. Sherk (Waiver of Adjustment)	1 p.m.
May 25, 2011	Adele E. Kaminsky (D) (Death Benefit)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Flurie, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 11-598. Filed for public inspection April 1, 2011, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Levi Hershberger 790 Rimer Road Luthersburg, PA 15848	Clearfield County/Brady Township	57.04	Veal	New	Approved
Broc Troxell 250 Showers Road New Columbia, PA 17856	Union County/ White Deer Township	638.79	Swine	New	Approved

MICHAEL L. KRANCER,  
*Acting Chairperson*

[Pa.B. Doc. No. 11-599. Filed for public inspection April 1, 2011, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Lamont Heckstall, t/d/b/a HP Property Manage-  
ment; File No. 08-56-04734**

On November 10, 2010, Lamont Heckstall, t/d/b/a HP Property Management, unlicensed, of Upper Darby, Delaware County, was assessed a civil penalty of \$1,000 based on his/its acting in the capacity of a real estate broker or salesperson without being licensed.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Real Estate Commission's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH J. MCGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 11-600. Filed for public inspection April 1, 2011, 9:00 a.m.]





